

A N

A P P E A L T O G O D and the K I N G:

Together with

A True N A R R A T I V E

O F

Unparallell'd Grievances, &c.

Wherein may be seen, as in a Mirrour or Looking-Glass, the surpassing Miseries of the *English* Nation, above other Nations, for having the best and most wholesome Laws in the whole World; yet being so excessively corrupted by Covetousness of *Money* in the Law-Practicers, as now they are: In the stead of being an Help and Safeguard, are now become a meer Nuisance and Oppression to the People; and unless some Expedient be found out for a just and due Administration of Justice, without Fee or Bribe, 'tis impossible for This Nation to be Happy, but must remain the most Miserable Nation in the whole World.

Most humbly Presented by

BENJAMIN ALBYN of *London*, Merchant.

Felix quem faciunt aliena pericula cautum.

L O N D O N, Printed for the Author, 1 6 9 7.

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This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some minor discoloration and small dark spots, possibly due to age or handling. A vertical crease is visible down the center of the page.

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В. А. Яковлев

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The following is a list of the names of the persons who have been appointed to the various offices of the County of Cook, Illinois, for the year 1891.

[Faint, illegible markings]

J E H O V A H.

O Lord God of my Father, most Blessed and Glorious Trinity, FATHER, SON, and HOLY GHOST, Three Persons, and One Almighty God in Unity; whose Unity is in Trinity, and whose Trinity is in Unity incomprehensible; whose Essence is a Substance without Composition, Immaterial and Spiritual; whose Life is altogether entire, perfect all at once; One infinite Moment, without Beginning or End, Eternal: Who is Reason, and a perfect Understanding; perfectly knowing and understanding Himself, is immutable, and necessarily in Himself; whose Infiniteness makes all Wonderfull; His Mercy, Love, Goodness, and all his Excellencies infinite: Whence ariseth his All-sufficiency, that possesseth all Goodness desirable or possible: Who is before all Time, and above all Circumscription of Time, from Everlasting to Everlasting; who made Time, and will dissolve it again: He is called *the Rock of Ages, the Ancient of Days, and Eternity it self, Alpha and Omega*, the first and the last; hath called Himself *I AM*: Whose infinite Essence gives Being to the whole Creation, and is All in All; whose Attributes are more Excellent than to be discerned by so mean a thing as Sense; His Wisdom, Power, Mercy and Justice, Goodness and Truth; also his Immenity, Purity and Holiness is Incomprehensible and Eternal; And having created the Heavens, and the Earth, and all that in them is, within Six days, and rested on the Seventh, is therefore called *the God of Sabbaths*, which we are commanded to keep Holy, according to his own Example and Reason for Blessing and Hallowing that Day: His Name is a strong Tower; and being the Father of Lights, King of Kings, his Dominion is Supreme; and being King of Righteousness, from whom nothing is hid; delighting in his Mercy and Justice; beholdeth all the Dwellers upon Earth; whose Vision is in his Attributes, Providence; and in the Face of Christ his Eternal Son; who for us Men, and our Salvation, came down from Heaven, and took upon Him the Nature of Man, without Sin; to suffer for the Sins of them that believe, and to fulfill the Law; became a Mediator betwixt God and Man, in whose Name and Merits alone it is that I, who am but a poor worthless Worm, sinfull Dust and Ashes, doe now most humbly present and prostrate my self before the Throne of his Majesty; begging Mercy and Pardon for all my Sins and Iniquities, and to blot out all my Transgressions. O Lord God, look down, and have Mercy upon me; lay no more upon me than thou wilt enable me to bear: Counsel me in all my Difficulties; sanctifie mine Affections; create in me a clean Heart, and renew a right Spirit within me: Let not the World, the Flesh or the Devil, have any dominion over me: Teach me how to fear Thee, and Thee only; and enable me to put mine whole Trust and Confidence in Thee, and in Thee only, and to hope in thy Mercy alone. Sanctifie unto me all thy Dispensations towards me, and, in thine own good time, send me Deliverance out of all my Troubles and Afflictions thou hast visited me with; and, in the mean time, give me Patience to bear them. Behold the Rage of mine Enemies; abate their Pride, assuage their Malice, turn their Hearts, and confound their Devices, and plead my Cause with mine Adversaries, and clear up mine Innocency from all their Aspersions, and give them true Repentance for all their Sins, and let them amend and reform their Misdoings. Encline the King's Heart courageously and continually to execute Judgment and Justice, that so by Righteousness His Throne may be Established to Him, and His Posterity, throughout all Generations: Enable Him to correct and purge out all the corrupt Practices now used in the Laws of this Land; and grant that by the good Advice of His Parliament by Thee the only Wise God directed, He may, in His days, live to see Judgment and Justice run down like a mighty Stream, and Righteousness flow like a broad River, that so He may be found worthy; that at the last, when His Life shall end here, He may Reign with Christ to all Eternity, in Life everlasting. O Lord, send a good Issue out of all mine Afflictions; endue me with true Wisdom, Knowledge, and Understanding; give me Sincerity and Integrity, and shew me the Way wherein I should walk; and grant in whatsoever I doe, I may seek thine Honour and thy Glory. Give me neither Poverty nor Riches, but feed me with Food convenient for me, and make me joyfully and truly thankfull unto Thee with mine whole Heart for all thy Providences towards me, for the many Mercies and Necessaries of this life, and of the life to come; particularly for my Creation and Preservation; but especially, and above all, for my Redemption in the Lord Jesus Christ, for the means of Grace, and the hope of Glory: To whom with Thee and the Holy Ghost, be all Honour, Glory, and possible Praise, Might, Majesty, Thanks and Dominion, henceforth and for ever more. Amen.

O Lord, in Thee have I trusted, let me never be confounded.

Benjamin Albyn.

To the August, Imperial, and most Excellent
MAJESTY of WILLIAM the Third, by the most Won-
derfull Providence of the Almighty God made King of England,
Scotland, France and Ireland, Defender of the True Christian
Faith, and in His Dominions over all Persons, and in all Causes,
next under God, Supreme Moderator and Governor:

The most humble Petition of Appeal, together with a True Narrative of his
Unparalleld Grievances, &c. is most humbly Offered and Presented by his
most humble Petitioner, BENJAMIN ALBIN of London, Merchant.

GREAT SIR,

AS You are God's Vicegerent here upon Earth, so You are most justly and
duely to be accounted my Dread Sovereign; and, without just Cause, I
should not presume thus to make mine Approach to Your most Sacred
MAJESTY. Now, as Life, and an honest Reputation, are to me of an equal
Value, and one Sir Richard Blackam hath blackened and whispered away my
Reputation on the Grounds of a Causeless Statute of Bankrupt, maliciously ta-
ken out against me by one Samuel Moyer, after a long and wrongfull Prosecu-
tion of me in Your MAJESTY's High Court of Chancery, where with most
excessive Charge and Trouble I was, for many Years, forc'd to defend my self; and
after I had bin in some measure Righted by a Decree in that Court, Three of his
Counsel being afterwards made Lords Commissioners for the Custody of the Great
Seal, Reversed my Decree, that had bin Signed and Enrolled, without any man-
ner of Reason, only for to please their Client, of whom, for many Years together, they
had all received extravagant great Fees; and then the most Reverend and Right
Honourable the Lords Spiritual and Temporal, by Reversing their Decree of Re-
versal, confirmed again unto me my Right upon full Hearing of the Cause, brought
before them upon mine Appeal; (for which I pray God to reward them.) But lea-
ving me to the Law for my Damages sustained by the said Statute of Bankrupt,
I have there had a Tryal with the said Moyer, who being quitted by the inge-
nuity of a favourite-Counsel, and the inclinations of the Judge, I was forced to
pay him Costs; and the Court being told by the Judge, that my Remedy at Common-
Law did lie only against the Lords Commissioners of the Great Seal, by bringing
mine Action against them; which the Judge knowing very well, is an unpracticable
Thing, unless I had a Million of Money to spend, hath left me without Remedy;
for 'tis Money, and not Law; that now doth the Justice in many, if not most Cau-
ses;

The Epistle Dedicatory.

Yes; and if a Man have enough of That, he is sure of his Cause in any Case. But as such Practices are unknown to Your MAJESTY, that abominates all Injustice, and such Ways of Unrighteousness, so doubtless Your most Excellent MAJESTY will not allow Money to stand in Competition with, and jostle Justice out of its place in Your MAJESTY's Government; which doubtless Your MAJESTY desires may be a Righteous Government. I doe therefore humbly make this my most humble Petition of Appeal to Your most Gracious and Sacred MAJESTY, to be relieved against the manifold Oppressions I lie under by mine Unparallell'd Grievances, now shewed to Your MAJESTY: For having paid to the full all manner of Taxes due to Your MAJESTY, which have bin required of me to pay; every Penny whereof being so much more than I have gained since the Year 1690, when the said Moyer most wrongfully and unfeelingly took out the said Statute of Bankrupt against me. I will hope for as much Clemency from Your MAJESTY, being the Great Christian Sovereign and Father of this Nation, as the Grand Signior shews to any manner of person, Native or Foreigner, that by the Turkish Laws hath bin aggrieved in his Dominions: It being the Manner and Custom there, in Turkey, for any person whatsoever (that at the Turkish Law hath bin aggrieved by the partiality and injustice of an Unjust Caddee or Judge) to put Fire upon his Head, with which he standing in the way, or but in sight, as the Sultan or Grand Signior is passing along when he rides abroad. As soon as ever the Grand Signior or Sultan espies the Fire, he certainly and immediately commands the Man to be brought unto him; and then hearing his Complaint, redresses him without any delay; and many times the unjust Judge is put to Death, by being pounded all to Mash, and squabb'd all of a Lump in a Mortar. Now, though such Ceremonies are not used here, yet I doe most humbly hope this my most humble Petition of Appeal to Your MAJESTY may doe as well: And as I am desirous to approve my self Your MAJESTY's most Loyal and Obedient Subject, so,

Dread Sovereign,

I doe most humbly prostrate My self, my Life and mine All at Your MAJESTY's Feet, begging Pardon for this Liberty, that it may be without any Offence: And, as in Duty bound, I shall, whiles I breathe, pray for Your Happiness to continue, and, if it may be possible, to be augmented in this World, and in the World to come Life everlasting. Amen.

Benjamin Albyn.

To the High and most Honourable
THE
KING's Lords Justices.

May it please Your Excellencies,

THis mine humble Appeal to God and the King, being designed to be presented to His MAJESTY before the Rising of the Parliament; but the Printer not being able to get it ready in time, and His MAJESTY being gone out of the Land, I therefore thought I must had stayed for His Return; but the Outragiousness of one Sir Richard Blackam admits no delay, being such, as by force to seize and take away my Goods, in the stead of paying me Money, and restoring unto me sundry Notes for sundry Thousand Pounds, which in Kindness only I had accommodated him withall: For Sir Richard having, contrary to all Agreement with me, by sundry Arrests forced me, to a Reference unavoidably; and I having accordingly made choice of one Mr. John Freeman to be a Referee for me against one Sir Alexander Rigbey, a Referee Sir Richard had chosen for himself; who thinking fit to go off without effecting any thing in the matter, Mr. Freeman became sole Referee; and Sir Richard having smiled upon and insinuated himself into him, he did not at all consider me or my Case, (notwithstanding I gave him caution, and told him how that Sir Richard would Wheedle a Thousand of him and me;) neither would Mr. Freeman regard any thing I could say for my self, but plainly told me, when I spake to him any of the Things material for me, sometimes, I doe not mind That; and at other times, I doe not regard That; and became so wholly enclined to his Interest, as to Award me to pay him 380 Pounds, in the stead of making him to pay me 1018 Pounds, without giving any manner of Reason for it; but only said (when I asked him the Reason) I doe not know; so it is, and I can doe no otherwise; and if you were in Blackam's Clothes, you would doe the same Things that he doth: And afterward became so very hard upon me, as to make me give him Security for my compliance with his Award, by causing me to order my Correspondent at Alleppo to consign unto him some Goods of mine of greater Value; and afterwards Sir Richard Blackam refusing to doe his part (which was easie, being only to deliver up my Notes upon Oath, because lent him in kindness only; and I did not, nor doe know how many they were, or for what Summs) the Award became void. Yet afterwards, to please the said Sir Richard (as I believe, because Mr Freeman told me himself) Sir Richard had sold him my Goods for 50l. less than he was to allow me for them, which was scarce half their Value as then worth; for he would needs perswade me to sell them at very low Rates to Sir Richard, and make him a Bill of Sale of them; and in the stead of my Notes, laboured vehemently with me to take Sir Richard's Bond: And because I refused so to doe, he did in his Rage tear the Bill of Sale he had appointed, and swore in those very Words, BY GOD I WILL NOT CONCERN MY SELF, OR MEDDLE ANY MORE WITH THE MATTER. Whereupon, as I thought it but reasonable, I wrote the necessary Orders to my Correspondent, to prevent

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vent my Goods coming to my Hand, which I had ordered above a Year before to be consigned unto him: For which fact, though mine Orders came too late to prevent, and my Goods came consigned to him; yet he did upbraid and scandalize me upon the Exchange, as if I had done some notorious Crime or unjust Action, and, contrary to his said Oath, received and wilfully detained my said Goods from me; notwithstanding, at their arrival, I had desired him either to secure them, or deliver them to me. And now whether it be by Combination, or not, I know not; nor should I had known it, if Sheriff Blewett had not told me on the 3^d of June last. But, it seems, Sir Richard Blackam, by a Replevin from the Sheriffs, hath, with Officers and others, leaping over his next Neighbour, Mr. Freeman's Wall, forceably taken away three Bales of my Silk, part of my said Goods in Mr. Freeman's Hands; keeps all my Notes for I know not how many Thousand Pounds, and 1018 Pounds he ought to pay me, if Contracts and Promises ought to be performed; and what he will doe next, I know not. Wherefore I humbly pray, that he may answer and give speedy satisfaction to all the matters; for though some doe talk him Rich, and worth much; yet the more considerate sort of people believe him to be so far from it, as to be worse than nothing. Wherefore I doe humbly pray I may not be delayed, but that in all points he may be obliged to satisfy and fulfill his Contracts with, and all his Promises to me, and by wicked Wheedles not be at liberty to evade, and may give good reason for his defaming and burying me alive for so many Tears last past, as he hath done. And now, on the 30th of June last, one Warner Dawes, an Attorney, formerly complained of, hath caused an Execution to be served upon my Goods, breaking open my Counting-house Dore, Trunk, and Cabinet Locks, spoiling and imbezling away many Things whilst I was getting out a Summons for his Appearance before the Lord Chief Justice, to shew Cause why, having accepted of Bond-Security for the Plaintiff's Debts of the Defendant, proceeds afterwards to take the Defendant's Goods in Execution, without re-delivering the said Defendant's Bonds; and acquainting him, that the said Harwood the Plaintiff would not accept the same; with which, though duly served, yet he evaded his Appearance for two Days together: And though 'twas Mr. P. Brunskell's Debt for which I being bound, had Assigned sundry Bonds; yet if I had not moreover paid the Moneys, they would had carried away my Goods, perhaps of ten times the value; and hath since said, He would had blown off the Matter of fact with an Affidavit, if had appeared before the Judge, as Mr. Brunskell told me; and therefore he let him go.

Now, since 'tis so, that Attorneys can thus abuse Men, and by Affidavit can blow off Matter of fact, and clear themselves, as he said he would doe, I humbly hope my demand for due Protection and Justice may be without any offence to Your Excellencies; but being duly considered, allowed and approved of by Your Excellencies, I may be righted, and made more capable of serving my King and my Country: If not, and Your Excellencies, being the King's Vicegerents, shall so think it fit, I humbly pray for an honourable Death, rather than any longer to live under such Oppressions and Injustice, manifested in mine Unparallell'd Grievances, now presented to Your Excellencies. And howsoever Your Excellencies doe determine, I shall most humbly submit and endeavour to approve my self dutifully to Your High and most Honourable Excellencies, as being Your most faithfull and obedient Servant outrageously afflicted with excessive Wrongs and Abuses; for which I can obtain no Right or Justice at the Law, though have spent much of my Substance in the Attempt and long Endeavour.

Benjamin Albyn.

The Preface to the Candid Reader.

SHARP is the Word, and Laudable Practice most applauded in this present Age; and he that can cut the most Throats with the softest Feathers, is the gallantest Man; and the more profound a Man is in his Hypocrisie, by Dissimulation and Deceit, the greater Reputation he hath for Parts of Wit and Wisdom; (though, I think, the latter doth not at all belong unto him;) and downright Honesty and Plain-dealing is so much ridicul'd and despised, as to be accounted not only Folly and Madness, but by some a most heinous thing; and Covetousness in the Love of Money, which is the Root of all Evil, doth so much abound, and hath so much possessed the Minds and Inclinations of the Lawyers and Attorneys, as if they believed it their Deity and their Duty; and seems to have so much the Ascendant and Preheminency above the Law, as plainly to banter and baffle it, so as 'tis now become a meer Tool for the Rich to oppress the Poor withall, and a Lottery for Moneyed Men to adventure in and enrich the Lawyers with; and can be no farther aiding any Man, than Money makes it; and unless a Man have enough of Money largely to see Lawyers and pay Attorneys Bills abundantly more than their Dues, no Justice can be had, and commonly the longest Purse carries the Cause; and what by Law and Equity is Right in one Reign, is Wrong in another, (whereas right and true Justice both in Law and Equity is infallibly unalterable, if were done impartially, without respect of persons,) and upon a full and due Consideration will be found the Cause why Pride and Envy do much more abound in this little Spot of Land called England, than (as I believe) in all the World besides, if put all together. So 'tis plain, that Falsehood and Oppression, fortified with Pride and Envy, are the Guise of this Nation, as by the Examples in the true Narrative following is made manifest. And is it to be thought God will not arise? undoubtedly in his good time he will, because his Word is true. Now as mine own Money was never my Master, so I do think that the Money of these Three Men, S. M. Sir R. B. and J. E. or any other by the Laws of God or Man ought not to tyrannize over me, as apparently it hath bin endeavoured by them; and by the two latter being enriched on a sudden most ungratefully, who had bin both partakers of my Benevolence; the former, by gaining much by the little imployment I gave him, though I lost by him; and the latter, by receiving largely my Bounty, when he could not pay his Debts; and was represented to me to be in a deplorable Condition. And now these Two by their Tricks and Behaviour towards me, shew themselves unwilling to let me live, or to have so much as an honest Reputation amongst Men; although, to the best of my knowledge, I never wronged them in Word or Deed: For Sir Richard Blackam, who, with a smiling Countenance, good Words, and fair Promises, crouching and cringing, scraped his first Acquaintance with me upon the Exchange, after my Return from Turkey; (where Dealings are generally so honest, that Receipts for Moneys are seldom used, by being either given or taken, but look'd upon as needless;) and for many Years together he sold to and packt Cloth for me, to the Import of many Thousand Pounds; which though I constantly, fully and duly paid him, yet I lost much; and doe not remember to have gained by him, at any time, more than Ten Pounds, which was, by Chance, only on one Pack of Mock-Medleys, as I often told him. So finding my Trade with him, was to wrong my self, and served only to enrich and give him an Imployment, I did intend to deal no more with him who once told me, to my Face, To be too honest was not well, and 'twas no Commendations. And afterwards, to make me amends, did, by his Wheedles, and extraordinary fair and unusual Proposals and Promises, prevail with me to take another parcel of his Cloth; and without any regard thereunto, Arrested me, and afterwards Preferr'd a Bill in Equity against me: To which, because I gave a full and fair Answer, I was Fined, and forced to pay above Five Pounds; and having necessarily Filed a Cross-Bill against Him and Mr. Freeman, to make manifest the whole Truth, if possible; yet cannot get so much as one Twentieth part thereof answered, or mine Exceptions filed, to be argued. Now if a Court of Equity will not allow some, nor compell others, to set forth the whole Truth of the matter of fact, how is it possible for Justice to be truly administred. Wherefore, as I have in mine Answer upon Oath declared, That if it should not be admitted, for the Reason therein exprest, as was there prayed, I should be forced to Appeal, first to God, and then to the King's Majesty; for 'tis intollerable continually to lie under the Scourge of the murdering Tongues of cruel and unreasonable Men: So I now have done accordingly. For is it not by Words only that Men

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can and doe know the Minds of each other? and by Words only are not all Contracts, Bargains and Agreements made? And if two Men make a Contract or Agreement betwixt themselves, without any manner of Witness; and then if the one of them afterwards performs his part, shall not the other be obliged to doe his? or if he refuse and deny his part of the Contract, what way is there but by a Bill in Equity to purge his Conscience, and in his Answer upon Oath for him, to confess or deny the Truth of the Matter of fact? But now it seems, if Men have but Money enough, the Law-practicers will defend them either by not letting their Clients answer one word truly to the purpose, or by helping them to Plead and Demurr to what cannot be denied in the Bill; and by that means the Truth is stifled; and the Truth which truly was, is made not to be; and the Thing which was not, is made to be; which indeed seems to be the great Virtue and chief Use of a Law-practicer: Which, if duly considered, is most apparently the deepest foundation for Knavery that can be, and seems to bear an invincible Fort of all Villainy for Knaves to shelter themselves in. But is it not a marvellous and stupendious thing to see a Nation so benumbed, as to suffer themselves to be so gull'd, especially having a Parliament whom they intrust, and whose Business 'tis to look into and regulate all Miscarriages, and redress the Grievances of the Nation?

"Now I doe know that, upon Oath, Sir Richard Blackam cannot deny much of my Bill, if he be compelled to Answer without the Aid and Contrivance of Lawyers and Attorneys, but must confess the most part of it; but more particularly, and in short, must confess that he came sundry times to my Lodgings in Mark-Lane; and many times in the Streets, when he met me, did exceedingly importune me to take off his hands some of his Cloths, notwithstanding I had denied and desired him to excuse me; yet telling me 'twould be a great Kindness to him, and a great Benefit to me, and I should have them 20 s. per Cloth cheaper than those of some sorts he had sold to other Men above a Year before for Ready-money, and were but newly laden on the Ships then taking in Goods, to be loaden for Turkey: That I should pay him for them at mine own convenience; and that he would never ask or trouble me for Money; and how he had bin forced to send 7 or 800 Cloths to Holland or Flanders; and that he had still remaining upon his hands 11 or 1200 Cloths, which he said was a great Estate to lie dead, and had but little hopes to sell or put them off by those Ships, I was prevailed with to take 220 of them; and on no other terms. And after we had thus agreed, I immediately desired it might be put into Writing Verbatim before we parted: But he refused, laughing at me, and said, The World would wonder at such a Contract; for 'twas never known or heard that Goods were ever sold without a limitation of Time to pay for them. But after he had fastned his Goods upon me, then he came (with another Wheedle, as I may say) and pretended 'twas only for Mortality's sake he desired it might be put into Writing for me to pay some days after the departure and return of the Ships; because if he should die, his Executors might know how to demand their Money; but if he lived, all should be according to our first Agreement. And if he denies these few particulars, (though in his Answer he saith not one word of them or to them,) I must then be fully assured, that he neither fears nor believes there is a God."

Mr. Freeman having most ungratefully and insolently done me much Wrong both at home and abroad, I have fully and truly set forth that matter of fact according to the best of my knowledge and remembrance. Also Mr. Samuel Moyer's unparalleled Malice for above Twenty, near Thirty Years exercised towards me, I have truly represented, according to the best of my knowledge and information; and being the Ground of the fore-mentioned Mischiefs, and also of many other ill Consequences befallen me, I have thought it requisite to set forth some of them. As at my first coming into England one Mr. Cary thought good to take from me 100 Pounds on his deceased Son's account; who though I believe died indebted to me many more, if not Thousands, and had done me much Wrong with his Tongue; yet long before I came away from Turkey, I had covered and buried all with him under a very fair Marble Stone I had caused neatly to be laid over him at mine own Charge; which I doe not remember to had spoken of afterwards in any particular, untill the Covetousness of his Relations, by wronging me, made me discover him mine Opinion, being De mortis nil nisi bonum. Also Mr. Moyer's Cousin Farmer, a Packer, that sold me great Quantities of Cloth, counterfeited my Mark upon an Iron Stamp, and therewith Stamping inferior Cloths, changed them for my Cloths, that cost me, and were better worth by 8l per Cloth: Of which Fact, though he was convicted both at Common-Law and in Equity, yet I could never have one Farthing Allowance either for

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for Damages or Charges. So the Sharpers and Cheats of the Town, finding that by Law I could recover nothing, or have any Right, laid their Heads together to cheat me of 1000 Pounds; and though I detected and convicted One of them of Forgery, for which he stood in the Pillory, and though he confessed to have received 250 l. which being in my Wrong, ought to be re-paid me; yet I can, by no means, obtain an Hearing of that Cause in the Exchequer with him; neither have I had one farthing Allowance for all. Also having received some accounts (from Mr. Tho. Hatton of Aleppo) relating to the joyn't Account of Mr. T. Barnadiston and John Barton for Factor Marine Duties owing, which, through his inadvertency, were sent neither signed, nor in any-wise authenticated. Yet I having paid a Thousand Dollars to the deceased Barnadiston's Kinsman, that took care of his Concerns, upon his telling me John Barton had died indebted so much to the said Barnadiston; I thought it but just to shew to him the said Accounts, to get a re-allowance accordingly; but instead of duly considering them, called them Sham-accounts, and hath scandalized me much about them. Also another Account of Money received and paid by myself, being, by my Directions, shewed unto him on purpose to be examined by him, that so, if there were any Error, it might be rectified by me; he called it a Knawish Account, without demonstration of any one particular Error; and not knowing but these may be part of the things with which Sir Richard Blackam hath blackened my Reputation I have for that Reason set them forth. Also to make manifest the cruel Consequences of Mr. Moyer's causeless Statute of Bankrupt, I have set forth some of the unkind Usages I have found from near Relations, as well as Friends. Though I must needs say, I do believe, Brother Mann, the Sword-bearer's unkindness and unjust Dealings towards me, proceeds also from his excessive Gluttony and Ignorance, that puffs him up with Pride and Covetousness, that makes him think by a nonsensical, dull and obstinate humour, to shew himself a Man of an high spirit, forsooth; which the poor Man is very ambitious of to be accounted; though I have bin told, he is accounted a Man of a venomous Spirit, which I think I ought not to conceal; because, to satisfy his Malice and Revenge, rather than lose Time, he'll put other people upon doing very ill, unkind, and ruinous Things, that else they would not doe or think of. His great Glory is in Oppression; and when he is most intent in effecting any ill thing, then he saith, God forbid that he should doe or think of that very thing; and then he doth it; even as he hath told me, He hath an Art to eat most, when he seems to eat least; and by that means he passeth for an harmless innocent Man among some; but he is better known than he thinks he is. Also he having covetously, contrary to his Promise before Marriage, prepared Writings for an Estate to be passed by a Fine and Recovery, before a Judge, by his Wife, mine own Sister, against her Will, unto him and his; and having shewed them to her at Ten of the Clock at Night, to certifye her they were ready prepared; when she having seen them, not being very well, became much troubled at it, and went to bed, and next morning was found dead, and her Corps almost cold, when 'twas thought she only slept soundly; and 'twas but a little before, about one or two days at most, before she died, that she complained and told a very near Relation, how she was forc'd to study all the ways possibly she could to please him; for if she did not, she verily believed he would turn her out of dores into the streets; although, before Marriage, my Sister had settled upon him and his Heirs the Fee-simple of another Estate in good Lands, worth 250 l. per Ann. and now keeps my Right from me; though the whole matter is not worth One thousand Pound; yet, he saith, he will spend Fifteen hundred Pound but he'll keep That my Right from me, which, by Law, I am her Heir unto.

And I doe believe there is not any one thing in the World can doe a Man, in any kind, so much mischief as a causeless Statute of Bankrupt; and though I brought mine Action against the said Moyer for so doing, and as the Judge said, I had proved all my Declaration but the Malice; which though was sufficiently proved by the Fact, in the most of all other men's Opinions; yet by the ingenuity of a Favourite Counsel, and the inclination of the Judge, I was cast, and forc'd to pay Thirteen pound and Thirteen shillings Costs to Mr. Moyer's Attorney, he being acquitted; and my Remedy at Law, it seems, lies only against the Three Lords Commissioners of the Great Seal, because it was their Fault only, and not Mr. Moyer's, in regard what Mr. Moyer did, was by the Advice of his Counsel, as the Judge was pleased to tell the Court. Now I doe know, that the Lawyers are the only proper Men to advise with in bringing an Appeal; yet well knowing the great Good-will they have to one another, and their

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their firm Combination for the support of their illpractices; and consequently, if should had advised with any one of them in this matter, I must had either bin deterred by some strange Stories, or else be betrayed before had effected it. I have therefore chosen to put my life in mine hand, without any Advice at all, innocently to act mine own part in mine own concerns: And if by mine Ignorance I have committed any Error for the want of due form: I humbly hope it may be excused, because in my conscience I doe think I ought not to omit any thing I am by mine Oath obliged to doe: And in this I could not expect any faithfull Advice from any Lawyer, because of my Complaint of them. And I doe not doubt but the Law-practicers will therefore seek many ways to bereave me of life, and doe me what mischief they can; but I know God governs the World, and their Malice cannot doe this — much mischief to me more than his Providence will permit: And, I say, God's Will be done. So I doe my Duty, I hope I shall be satisfied: For as I am but a Batchellor, and single Man, without Wife or Child to want me, so I think it much better to die by a publick Stroke of (I was about to say) Justice, (but I know true Justice cannot hurt me, but must help me,) rather than to linger and pine away for the want of Justice, by means of the Villainy of the Law-practicers, that have done me so much wrong. And now *W. D.* one of the said Law-practicers, hath, on the 30th of June last, caused an Execution to be served upon my Goods, breaking open my Counting-house Dore, Trunk, and Cabinet-Locks, whiles I was Citing him before the Judge, to shew Cause for said Execution, he having received of me an Assignment of sundry Bonds above a Year since, as a satisfaction to prevent the Charge of Execution, as I told him; and though he hath evaded going before the Judge, and his Client be paid all Dues, yet he keeps mine Assigned Bonds; and lets not his Client acknowledge satisfaction upon Record at *Westminster*, and hath taken out the said Execution without a *Scire facias*; and told the Party that served him with the Summons, to appear before the Judge, he would soon blow off the Matter of fact with an Affidavit. Also sundry other Abuses I have met with both from him and others the Lawyers and Attorneys, I have truly set forth, that so, if a due consideration thereof be taken, 'twill be found, that as mine Unparalell'd Grievances are unrepresented, so, if they shall be made Presidents for People so aggrieved, as I am to be without Remedy at Law, and by the corrupt Practices used therein, the Peoples substance must be eaten up. What must the Consequence be? For when People are made desperate, what is it that they will not adventure to doe? and Patience provoked, is not quickly retrieved, or easily reconciled; and when their Passion and Rage is up, they regard a Man worth a Million, no more than a Man that hath but a Mite. And therefore I doe think, with humble Submission to the candid Government, 'twill be no Imprudence to prevent Mischief by a timely Reformation of the manifold, intollerable, vile Practices now used by the Law-practicers, (which doe cause so many and great Ruins and Oppressions upon the People, that they doe most lamentably complain of and groan under them in all Parts of England,) and by that means there may be a due and an impartial Administration of Justice in all Parts of the Land. 'Tis true, I am but one Man; but yet as a Man of honest Parentage, and an honest English-man free-born, that hath always lived in all Obedience quietly abroad under many Governments, and paid all Dues to the King and his Government here at home: And therefore as I need not fear, so I doe without fear of any Man living upon Earth, in the Name of God and the King, demand my rightfull Due and just Prosecution; and wherein I am wronged I may be righted, according to the Laws of the Land and not be any longer banter'd out of my Right by the Impudence, Treachery and Insolence of the insatiable Lawyers and Attorneys, who are ashamed of nothing; and when a Man is wronged, care not, but will laugh at him, and tell him 'tis the Practice of the Court. I am the more bold thus to demand, because Mr Moyer's causeless Statute of Bankrupt hath bereft me of all my friends, that otherwise would or should appear for me, who am a hearty Well-wisher to all Mankind, but most heartily and especially to those of mine own Country, the English Nation, that it may be delivered from the Tyranny of Injustice; and that the Law-practicers may reform and become just and good Men, honestly to deal by their Clients without Covetousness.

From *Milk-Lane* in *London*,
12th of April, 1697.
Kept to the 12th of July, 1697.

Benjamin Albyn.

A True NARRATIVE of the Unparallell'd Grievances, &c.

Having lived to near the top of the Mount of Man's Age, in great trouble and sorrow, I will now hope for a Year of Jubilee, before I begin to step down on the other side of the Mount: And therefore having brought mine Appeal to His most Gracious Majesty, I do now set forth my Grievances in the Narrative following; that so it being duly considered, how much Evil Mr. *Moyer's* Malice hath brought upon me, some Recompence may be made, and I Relieved; and Justice being done, I may most heartily pray God to forgive him and all my Enemies, and the King's Throne may be established to him and his Posterity throughout all Generations.

The Worshipfull *John Jollife*, deceased, having bin Partner in Trade, and Merchandizing with my Father many years before I was born, and so continued many years after; I was sent by them abroad into *Turky*, which was in the Year of Our Lord 1668, when my Father being much troubled with the Stone and Gravel in his Kidneys, did very much desire to part their Stocks: To which proposition, although for a long time the said Mr. *Jollife* was very much averse, yet my Father alledging that his Body was infirm, and not likely to continue long; and that I being grown up and gone abroad in the World, 'twould save much trouble and imbroil with Executors: He was at last prevailed with to part; and in *April* 1676, which was but the Month before he died, my Father did write to me, that he had then just finished and ballanced their Books, and appropriated each Man's Right to his proper Accompt: But all the while, which was some-time (near seven years) in doing, Mr. *Jollife* having married his eldest Daughter to Mr. *Samuel Moyer*, was very peevish and contentious in his Correspondency with me, inasmuch that I often desired him to imploy and send his Business to some body else, but could not prevail with him untill my Mother did importune him, and then he did it with as much unkindness as possibly he could,

being after my Father's death most industriously incensed against me by the said Mr. *Samuel Moyer*, who was very jealous and fearfull of his Father-in-Law's having too good an opinion of me; and this I have the more reason to believe, because before that his Marriage I am very confident I never had so much as one syllable of an unkind word from him, or an unkind look in Twenty years; that I was in a manner almost daily with him, unless in the time of my Nurture and School-education before I went abroad, but always very kind in his Expressions towards me. But after my Father's decease, Mr. *Jollife* being grown old and feeble, and decrepid, as I have been told, Mr. *Moyer* made use of the opportunity to make him believe any thing, and did accordingly perswade him that I had sent him home *Grogoram-Yarn* at four Dollars per Oke, not so good as what himself had received from others at 2½ Dollars per Oke, although by my Letter of Advice, and the Invoice thereof, 'twas charged at no more than two Dollars per Oke; so that he protested against me for so doing in Publick Notary, and would have charged it upon me at four Dollars per Oke, as Mr. *Jollife* himself wrote me: Also he perswaded Mr. *Jollife*, that I had kept 13272 Dollars in mine hands from him, which being the Ballance of an Accompt of the Nett proceed of all his Goods consigned to me and Mr. (since Sir *Philip*) *Gell*, who upon the death of his elder Brother, being by his Father called home, left the Country before they were disposed of; and accordingly Embarked the 5th of *September* 1675, on the Ship *Bristow* Merchant for *England*, and left the Goods with me in Ware house unsold, as was ordered. All which being afterwards sold by me, I did not delay, but invested his Monies in the best Silk, and other Goods, as opportunities did present most to Mr. *Jollife's* advantage, and did hide and consign his said Goods, according to his Order, by all the first good Conveyances, as they did present; which were as follow.

On the 20th of April, 1676, Five Bales *Sherboffee Leges* Silk, on Board a French Ship called the *Jerusalem*, Captain *Petro Audibert* Commander for *Leghorne*, and consigned them for the said Mr. *Jolliffe's* Accompt unto Mr. *Gilbert Serle*, and his Nephew Mr. *John Jolliffe*, who were his Factors and Correspondents in *Leghorne*, which amount to *Lyon* Dollars

3899 39

26th of the same April, Eleven Bales *Sherboffee Leges* Silk on the *Turkey Company*, General Ships; viz. the *Levant* Merchant, Captain *Nicholas Kerrington*; and the *Turkey* Merchant, Captain *John Kempthorn* Commander, and consigned them to Mr. *Jolliffe's* own self, for his own proper accompt, amount in Money to the Summ of *Lyon* Dollars

8443 30

On the 27th of June, 1676, Two Bales *Sherboffee Leges* Silk on the Ship *Thomas and Francis*, Captain *Fastolfe* Commander for *Leghorne*; amounting to *Lyon* Dollars

1829 28

And Five Bales *Cordivants*, amounting to Dollars

442 32

Which together make *Lyon* Dollars

2271 60

2271 60

Were consigned for the said Mr. *Jolliffe's* Accompt to his said Correspondents G. S. and J. J. at *Leghorne*.

28th of the same June, Seven Bales *Sherboffee Leges* Silk on the Ship *Mary and Martha*, Captain *Dyer Bates* Commander for *London*, consigned to the said Mr. *Jolliffe* for his own proper accompt in *London*, amounting to Money, *Lyon* Dollars

6387 25

Which being added altogether, make the Summ of *Lyon* Dollars

21001 74

Now all the Goods which Sir *Philip Gell* left with me, as aforesaid, being sold, I did draw out Mr. *Jolliffe's* Accompt current upon the 10th of May 1675, to the time of their disposal; the Balance whereof being then *Lyon* Dollars 13272, and Aspers 76, were made good to him, as above; which with an Addition of Dollars 7729, and Aspers 4, do make the Summ of Dollars 21001, Aspers 74; all which went safe, and were actually received by Mr. *Jolliffe* and his Order, in the Year 1676, which is apparently three years before the Complaint; yet Mr. *Moyer* so far incensed him the said Mr. *Jolliffe*, that he not only stamped and railed against me on the Exchange, saying, *I was not worthy to live upon God's Earth*; but did also write complaining Letters to Sir *John Jacob*, then Ambassador at *Constantinople*, pretending that I kept the said moneys from him, and for that reason desired him to send me home in Chains, as I was told; Whereupon the Ambassador did not only write unto me, but did enorder the Honourable Mr. (afterwards Sir *Dudley*) *North*, at his Return home for England, to examine and settle the said Mr. *Jolliffe's* Accompts with me, who found, upon due examination, and comparing accompts

with me, that I had wronged my self and made Mr. *Jolliffe* good Three hundred Dollars more than were due to him, and did attest the same upon Oath in the Chancellaria, at *Smyrna*, before Consul *Ray*, as may appear by the said Honourable Sir *Dudley North's* Deposition here following.

THE worshipfull John Jolliffe Esq. of London, having several times wrote to me in *Constantinople*, requesting me, that I would adjust with his Factor in *Smyrna*, Mr. Benjamin Albyn, the several Drafts and Remisses made him by me for his Account; whereof he wanted, as he wrote, due Credit to be given him in *Smyrna* for several Particulars; and I having hereupon wrote many Letters, notwithstanding which, by reason of the distance of place, not being able to come to a due comparing of Books and Accounts, we could never come to a perfect understanding of the Case: Whereupon the Alderman being much dissatisfied, made Lament to his Excellency my Lord Ambassador, desiring that his Excellency, by his Authority, would obtain from Mr. Albyn, that he would give him due Credit for

for all the Summs he had received from Constantinople. It so happening that I, in my Return for England, passed by Smyrna, his Excellency thought me the fittest Person to adjust all those Summs that we had remitted, and see that the Alderman had due Credit with Mr. Albyn for the same; in order to which, his Excellency gave me an open Letter to Mr. Albyn, to deliver and send home by me all the Alderman's other depending Accounts. Hereupon coming to Smyrna, and discoursing with Mr. Albyn, without ever calling him before the Worshipfull the Consul, as were my Instructions from his Excellency, if need should be thereof: I found him most ready and willing to adjust and set to rights all those several Summs by us charged; the Alderman with and after due examination of all Accounts, as well those from Constantinople; of which, to this effect, I brought the Copies with me; as also those of several Dates, sent from Smyrna by Mr. Albyn and Company to England, shewed to me in his Copy-book of Accounts, as well for the particular Account of Alderman Jolliffe as also for the joyn Account of Jolliffe and Albyn, from the Year 1669, to the Year 1673, which is the time when these Differences verted. I do not find that any thing hath been wanting to the Credit of the aforesaid Accounts, save only the Product of Thirty-six Bundles of Tin, sent up to Constantinople in the Year 1668, Importing Nett, Lyon Dollars 1547: 16; the which Summ, together with Lyon Dollars 317: 24 received then in Constantinople (for account of Mr. Cary) of Gabbai a Jew, had been remitted to Foxley and Cary under the 10th of April 1669, in the Summ of Lyon Dollars 1864½: I say I found all other Remisses and Drafts placed to the Credit either of the joyn Account of Jolliffe and Albyn, or the particular Account of Alderman Jolliffe, though something confused, and in different Nominations than what they stood in our Accounts. And for the last mentioned Summ, Mr. Albyn now shewed me an Account he was preparing to send home to the Worshipfull John Jolliffe, wherein he had credited the Alderman for two Thirds thereof, which he said was his proportion. I farther declare, That I find in the particular Account of Alderman Jolliffe, sent him home under the 26th of April 1675, that he has given him Credit for 250 Dollars, drawn from Constantinople A. D. 18th of June 1671, which is a plain Error in Mr. Albyn's prejudice, we never having paid any such Summ, nor charged the Alderman with it. Also I declare, That whereas Mr. Albyn drew on us the Summ of 400 Lyon Dollars, by his Bill dated the 12th

of July 1672; for the which he gave the particular Account of Alderman Jolliffe's Credit for 200 Dollars, under the 18th of July 1672, and the joyn Account of Jolliffe and Albyn under the same Date of 250 Dollars, which is an Error of 50 Dollars in his own prejudice, and is purely an Error in transcribing; for in his Cash-book under the same Date it appears to be but 200 Dollars, as it ought. This being the true State how I find these Accounts, at the Request of Mr. Benjamin Albyn I make this Deposition thereof before the Worshipfull William Ray Esquire, Consul for His Majesty of Great Britain in Smyrna, A. D. the 4th of February, 1683.

Vera Copia quod Attestor
John Freeman, Cancell.

Dudley North.

These are to certifie unto whomsoever it may concern, That on the other side written John Freeman is Cancellier of the English Cancellaria of Smyrna (sworn thereto) and is a Person of good Credit and Reputation, to whose publick Writings and Instruments all Faith and Credence may be given. Witness my Hand and Publick Seal this 29th Day of April, A. D. 1680, in Smyrna.

Locum Sigilli.

W^m Ray, Consul

Thus Mr. Meyer in these and many other particulars, having incensed Mr. Jolliffe against me in a most unreasonable manner, I could not imagine what should be the reason of such unparallel'd Malice: For, in reality, I was truly faithfull and much more diligent for Mr. Jolliffe's interest than mine own, or than usually Factors are for their Principals; for I did not only disburse oftentimes 4 or 5000 Dollars of my own Moneys to make him Returns by many Conveyances, when his Goods lay in Warehouse, and could not be sold by reason of their ill quality and excessive dearness, but also was forced to use all possible means to get them off, or else they would never have been sold for near what he rated them at in his Invoices: For I do believe, and I have

heard, that he was abominably cheated in the buying of his Cloth here in *England* of Mr. *Moyer's* Couzen, one *Henry Farmer*, for I showed his Cloth to some Friends abroad that had large Consignations of Cloth from their Friends here in *England*, constantly by the same Ships; which, when they saw, did stand in admiration, saying, *If they had such Cloth, they should despair of ever selling it*; and upon comparing them, we found that they had better Cloth at Six pounds per Cloth by their Invoice, than Mr. *Jolliffe's* was at Eleven pounds per Cloth by his Invoice: And though I did write to him of it, and would have sent him Musters or Patterns of his Cloth, thereby to find out the cheat, he would not hear thereof, but did passionately affirm his Cloth was not over-rated, and no Man bought his Cloth better or cheaper than his was bought. Now being thus certified by him, I could do no less than maintain the Price according to Invoice, and with much labour and industry many times for Six months together on a bargain, I did at last prevail with some people to take off his Goods; but, alas! the poor people were most of them ruined that took them; and one of them an *Armenian*, whose Name was *Karibogle*, turned *Turk*, thinking thereby to have the benefit of the Turkish Laws against me, for selling him the said *Jolliffe's* Cloths; and I, to prevent farther mischief, was forced to give him good Words, and present him with 180 Dollars he owed me on some Goods I had of his in my possession, of treble value, which I was glad to let him take away upon his giving me an Hogettr, and acknowledging full Satisfaction before the Caddee. Also I was forced to take of another *Armenian* (that bought his Cloth) *Gragoram* Yarn, and other Goods, in the stead of 10000 Dollars I had paid for his Account unto Silk-men for Silk, which I did with faithful diligence hastily send to Mr. *Jolliffe* upon account of a Bargain with him for the said *Jolliffe's* Cloth; he being allorruined, I lost above 4000 Dollars thereby, which I did think was but reasonable to charge to Mr. *Jolliffe's* Account; but Mr. *Moyer* bringing his Bill in Chancery, I was advised to drop it as a thing that would not be allowed, neither was I allowed the 180 Dollars before mentioned, nor 400 Dollars charges I was at in sending a Parcel of his Cloth to *Brussa*, near *Constantinople*, to be sold there, or to be forwarded to *Constantinople*; but his Correspondent Mr. *North* Writing me, he could not receive them without paying another Custom; I was forced to order them back again to me without effecting the Sale of so much as one Inch of them, by reason they were so very base and extravagant dear Cloth. For me to enumerate the manifold Vexations, Troubles and Losses sustained

by Mr. *Moyer's* mis-management, and dissuading of Mr. *Jolliffe* against me, would be both long and tedious. But I did never yet hear of any Man that lived abroad as a Factor, was ever so ungratefully requited, and basely used, as I have been since mine unhappy Return into *England*: Yea, he endeavoured oftentimes to set my own Mother against me, by speaking to her sometimes, *Pray be not too brag of your Son*: and sometimes, *Pray have a care, and be not too confident of your Son*: Then my Mother asking, *Why, do you know any harm by my Son?* Then he would answer, *No, not I; what I say is only to give you a Caution to have a care*: and many such ways he used, amongst many other people, on purpose to cast Infamy upon me: I could not but be very much troubled and grieved in my mind; and there happening a very great Plague at *Smyrna*, so as to cause most of our Nation there to retire into the Country, I did, to divert Melancholly, make a Journey from *Smyrna* to *Jerusalem*, in which I spent about Nine months; and at my return to *Smyrna*, Mr. *John Freeman* acquainting me of sundry of Mr. *Jolliffe's* malicious Practices against me, which he had heard spoken of by several of our Nation in the Factory of *Smyrna*, according to their Advices from *England*; I could not but take it very kindly from him, and did thereupon look upon him as a particular Friend; and indeed the more, because no other Man did do the like; and truly finding in my self that my Passion was so raised, that I thought if I should see Mr. *Jolliffe*, I should not be able to forbear beating of him; and considering that as he was old and feeble, if I should strike him, and thereupon if he should die within a year and a day, I should lie liable to the severity of the Law; I did resolve to forbear coming to *England* whilst Mr. *Jolliffe* lived, as I do believe I told Mr. *Freeman*: And thereupon walking one day in Mr. *Freeman's* Hall or Parlour, where the Picture of Mr. *Freeman's* Daughter did hang, being drawn very Womanly; Mr. *Freeman* and his Wife being both there, I did ask them, *If their Daughter were Marriageable?* they said, *Yes, they would warrant her Marriageable*: Then, said I, *if you'll send for her, I'll ask her the Question*: Then they both (laughing, and seeming to be very well pleased) replied, *It should be done, they would send for her*. Next day I went to them again to see whether they were in earnest or in jest; when finding that they were in earnest, we did then more particularly discourse about the matter; and they did again warrant their Daughter marriageable, being tall of her Age, and born in that Country, where Women are very forward at Ten or Eleven years old; and many things to that purpose: And being by their discourse

discourse fully satisfy'd, and put out of all doubt of her being Marriageable, I did then again tell them, That if they would send for her, so as to come out by the first Ship, I would certainly ask her the Question; but they must be sure to carry it very privately and secretly, so as to keep the matter from taking Air; for if it should come to my Mother's Ear, so as that she should forbid me, that then all should be nothing; and for that reason it was that I did desire she should come out by the first Ship; for as I was I might Marry without my Mother's consent, (as I thought) but I could by no means think of doing it against her consent or positive order to the contrary. And after this manner we did discourse sundry Days until a Conveyance for Christendom went and carried away their Letters: And then they told me what care they had taken of the matter, how he had written to Mr. John Foley, and remitted sixty Dollars to him to supply her Grandmother with Moneys to buy her Cloaths; and that his Wife had written to her Grandmother and Aunt to be very carefull and private in fitting her with good Cloaths, and to send her out in a good handsome Equipage by the first Ship for Smyrna, which was the Ship called the Smyrna Factor, Captain Marriner Commander; yet because the Companies general Ships were in a short time after to come from England they thought it more safe to send her out upon one of them, which was the Mary and Martha, Capt. Dyer Bates Commander, who with the rest of the Ships arriving on Sunday Evening the 2d Day of May, Anno 1680; her Father went on Board to fetch her on Shoar, and after having carried her to the Consul's House, he brought her home about Nine or Ten at Night, when I went to bid her welcome to Smyrna, according to the common Custom; and finding then only her Parents and her together, I sat down and smoked a Pipe of Tobacco with them, and placing my self by her, asked of her well fare in her Voyage and Passage from England, &c. So having passed about an Hour with them, I arose to go home, and at taking my leave I told her, that I hoped she and I should be better acquainted; and so went home to my Habitation in the Visier's Haune, with Intentions to see her no more until such time as all the Factory had given their Visits as was usual to all Strangers at their first arrival in that place; for I had told her Father before her arrival, that I would not visit or make any Applications to her until that Ceremony was over. And though I had thought it would have taken up near a Weeks time at least, yet about two or three Days after, her Father came and told me, That the Factory had been all at his House, and paid their Visits, and his

Daughter was ready whenever I would please to come. Then I told him what an unhappy thing it was that she did not come out by the first Ship, and how by the general Ships I had received a Letter from my Mother, cautioning me against the thing; and shewed it to him accordingly, at which he seemed somewhat disturbed; but however I told him, I did desire to do all reasonable things that were just and fair; and if he would bring Dr. Luke our Minister, I would shew him the Letter, and if he would say it did not amount unto a Prohibition, I would come and make my Applications to her; but if by the Letter he should understand and declare it a forbidding me the thing, I should then desire to be excused, because, according to the Agreement, she came not out by the first Ship, and therefore I was clear, and no farther oblig'd. Afterwards Dr. Luke and he were with me together in my Dining-room or Parlour, at the Visier's Haune, where we had many long Discourses about the Affair, and then Mr. Freeman was so very passionate, that he wetted a very large Cambrick Handkerchief with his Eyes and his Nose, so that there did not seem to be a dry thread in it, and said, that he knew Mr. Albyn to be a very just man, but he believed him to be a very cruel man. Then said I, Let the Doctor read this Letter that I received from my Mother, and then if he will say that I may marry your Daughter without sinning against God, by offending my Mother, I'll go on to marry her without any more ado. Then Dr. Luke having read the Letter, said, I am sorry you should put this thing to me, Mr. Albyn; but since you have (said he) I had a Sister that married without her Father and Mother's consent, and God Almighty never prospered her, and therefore I'll never advise or give my consent for any Children to marry without their Parents consent, and so good night to ye, clapping the Palms of his Hands so very hard together as made a loud smack, and flinging passionately out of the Room, came no more near us at that time: So being left together, and Mr. Freeman continuing in a most grievous crying humour, and no way to be pacified, I did, to satisfy him, say, That if he would come to me next day, after his Passion was over, I would talk farther with him about the matter; at which he seemed better satisfied by much, and went his way. Now he being gone, I could not but be much concerned and troubled at what had happened, and thought my self obliged to consider very well with my self, what I had best to do in so weighty a concern: Then considering Mr. Freeman's Humour, how Imperious and Insolent it was where he had power to domineer, I thought I would propose in Writing to make such Articles with him that he would never condescend or agree unto.

unto. So taking in hand a Pen, and Ink, and Paper, I did directly write down what did then come to my Mind, a rough Draught, not in the least thinking it in any due order, or expecting he would sign it, but only to know if he would sign such Articles, and then I thought to have had them drawn in due form, and so to have them fairly written out: But much contrary to my Expectation, the next day when he came and had received and read over the said rough Draught, he did without any stop or stay ask for a Pen and Ink, and immediately adding a few Lines, set his Name thereto with his own hand, saying, *I am resolved nothing shall hinder. Now being thus surpris'd with this sudden and unexpected Compliance, I thought all shifts to be at an end, and to stand too much upon drawing and signing Articles in due form, would favour too much of Niceness, and would breed but ill Blood, and that in Honour and Honesty I could delay no longer; so promised to come to his House the next day; but withall, did make him promise, as both he and his Wife had promised before her arrival, not to direct or persuade her to do or say any thing, but purely to leave her to her own Inclinations. Also I did desire of him, that when I came, she might be no ways set out with any sort of Dress or fine Cloaths, but to appear only in her Night-cloaths and worst Apparel she had, and I would do the like; for I would have no deceit, but that we might appear to one another the worst at first.*

A true Copy of the said Articles, Original or first and foul Draught as signed by the said Mr. John Freeman, is as followeth (though very improperly, as I do think) viz.

If I do Marry your Daughter, 'tis upon these Terms.

First, That the Honour of her Chastity be preserved pure and spotless, which I cannot imagine will ever be in this Country, unless, according to the Custom thereof, she shall be contented to live wholly retired from Male conversation, at least so much as never to come into the way of being either toucht or kist by any Man, according to the Custom of England; which, though may be look'd upon an harmless piece of Respect used there, yet here 'tis highly scandalous; and 'tis certain, that if Scandal be to be avoided any where, 'tis to be avoided in the place of a Man's Residence or Dwelling.

2dly, Your way of living in this Country having been according to the Mode of England, and now not to be altered, I cannot imagine it consistent for us to live together as you sometimes have proposed.

3dly, In case we should live together, it must be in mine own House, and I resolve to be sole Master, and my Wife sole Mistress of mine House, without any manner of Controul or Dispute; so that you can be only Boarders, paying for your Dyet, according to the Custom of the Place: For 'tis wholly Nonsense for you to think I should spend one Asper upon you that gives no Portion with your Daughter.

4thly, You are to keep your self in your own Station, using your utmost diligence in your Calling, without expecting any manner of Homage from me after I have married your Daughter, more than you received from me before any such thing was thought of.

5thly, Your bare Promise to comply with these Particulars above mentioned I do not look upon sufficient, because I do find you are apt to forget a Promise, therefore I desire, that both you and your Wife should sign your firm Promise to comply with the Premises.

To the Contents on the other side written, I do wholly consent to, reserving that Liberty to my Wife and self, as to live where I please; witness my Hand this 7th of May, Anno 1680.

John Freeman.

On the next Day, being the 8th of May, 1680, about one Afternoon, Mr. Freeman came to me, to put me in mind of my Promise. I told him, *I should not fail to perform; but be sure that your Daughter be not dress'd otherwise than as I desired, and you promised in her plain Night-cloaths. At present I have some Goods just landed, and lying at the Custom-house, and as soon as I have gotten them home, and stow'd them in my Warehouse I'll come. So telling me all should be as I desired, and he would go home to expect me; then he being gone, I went about my Business, and in few Hours after, having gotten my Goods stow'd in my Ware-house, according to promise, I dress'd my self in my worst Garb and went to his House, where I found him and his Wife sitting in their Hall expecting me: So I sat down with them, and asked where their Daughter was, who being called, came in unto us as I had desired; then I arose, and having saluted her, I returned to my Seat at a distance from where she sat. Then after a little general Discourse I began to apply my self to the Daughter as followeth: Madam, I do suppose your Parents have acquainted you with the occasion of my coming here; now the great Question is, whether you can like me for an Husband? To which words she did answer me, Yes. Then said I, This is Father and Mother's Yes; but they all denyed, saying, No indeed. Then said I,*

We

We are Husband and Wife; and I arising off my Seat went to her, then she arose, and I sat me down in her Chair, and took and sat her in my Lapp; and with very hearty and loving Imbraces did salute her, and on my Knees did dandle her; and then immediately her Father filled a Glass with Wine, and as we were sitting he and her Mother came close to us, and drank to us both, saying, *God bless you both together*: Mr. Freeman drinking the first part to his Wife, and she drinking the second part to me, and I drinking the third part to my Wife, as I thought, who pledging me drank off the rest.

Then said I very merrily, *Is the Bed ready?* speaking (to her Mother) *Ay*, said she, *that will soon be gotten ready*. Then said I, *'Tis hot weather*, August, *if one want another must*. O, said she, *that is a long time indeed*. Then speaking no more, I did arise off my Seat, and taking my Mistress in my Arms I carried her about the Room until her Parents told me, *'twas enough*, *I must not be too eager at first*, *a little at a time was best*, *hot Love is soon cold*; and many such like Expressions. So they parted us, and my Mistress went away for a little time; then she came in again, and I repeated my Addresses and Respects unto her with an hearty Affection and real Love: So passing that Evening with them, I stayed till 'twas pretty far in the Night, and then taking my leave of them I went home, being *Saturday* Night, and promised to wait on her next Day to Church. Next Day, being *Sunday*, I did according to my promise call upon them, and going together, I led my Mistress to Church: After Sermon the whole Congregation stayed as if they had expected to have seen a Marriage, whereupon I hastened to my Mistress's Pew where she sat, and taking her by the Hand I did lead her home with her Father and Mother, where keeping me to Dinner, I stayed and led her to and from Church in the Afternoon. Next Day, being *Monday* the 10th of *May*, I went pretty early in the Morning to give my Mistress a Visit, when she was scarcely stirring, so stayed till she had put on her Morning Gown and dress'd her Head, and then I went into her Chamber and saluted her, then taking her in mine Arms, I asked her, *where her Breasts were?* but she very modestly shrugging from me said very little, for indeed she had no more appearance of Breasts than a Boy of her own Age, which was about twelve Years and two Months, as I was informed, but in her Stature she was within two or three Inches as tall as my self. I did not stay long, but taking leave I went away, and came again at Eleven of the Clock, being Dinner time, and dined with them as they had desired me. After Dinner I stay'd and smok'd a Pipe with them, and

then went home about my Business. About five of the Clock in the Afternoon Mr. Freeman came to visit and sit and talk with me; and then speaking of her Youth and unripeness for Marriage, I asked him, *Whether it might not be injurious to his Daughter to marry her so soon*, for if I married her I would bed her; but he not very readily answering me, at length said, *She would soon be fit*: So I did suppose the Design was, that I should immediately marry her, and afterwards tarry until she were more mature; which, as I was told, might be in a few Months, according to the Opinion of the Midwives. While we were talking one came to tell him, That the Consul with divers of the Factory or Merchants of our Nation were gone to visit and were at his House. So he hastened to go home, and asked me to go with him; but I told him *I would follow him in half an Hours time having somewhat to do first*. So he went his way, and accordingly I followed him, and when I came I found the Consul sitting at the upper end of the Hall, and Mr. Freeman and his Wife at the lower end of the Hall, and about half a Dozen of the Factory on the one side, and my Mistress on the other side of the Hall, whom I saluted, and sat me down next the Door: And after I had stay'd some time, I said, I would make a trip home, promising to return again, which accordingly I did; when rising and going out of the Room my Mistress followed me, which I did look upon as a token of her Affection, and took very kindly; so as she went by me I saluted her and went my way.) About Nine or Ten of the Clock, the Consul and the rest of the Factory that were there went with him home, all but my my self; for after the Consul was gone down I call'd to the Consul, and told him, *That by his leave I would stay with my Mistress, and wish him a good Night*. So staying till her Father returned, he came and sat him down in the Hall very melancholly, and after he had sat a while his Wife told the Daughter, *'twas time for her to go to Bed*: So she being gone, I ask'd Mr. Freeman how he did, what ailed him to sigh so? Then with an heavy sigh and groan he said, *I do not know what aileth me, but my Mind gives me that 'twill not be a Match for all this*. Then said I, *Why so?* Then said he, *I don't know, I do not like these delays*. Then said I, *What delays? would you not have my House fitted up first, why should I be troubled with Workmen after Marriage?* I do not think it convenient; and therefore if you'll please, with your Wife and Daughter, to go to morrow morning and visit my House, and see what Alterations for your Conveniencies you shall think fit to be made, I will come and call you to morrow morning. So agreeing upon that Propo-

sal I thought nothing could be more necessary than for me to get up early in the Morning, and bespeak a small Banquet or Collation of Sweet-meats to entertain them with; for I could not but think it ill Manners to entertain them with nothing but bare Walls, for my House had been in a great measure pluck'd down, and but newly rebuilt; and being but hardly finished, and Workmen at work, I did not doubt of finding them there ready to receive their Instructions for whatever they should think fit to order or to have altered. So being a pretty late Hour in the Night I took leave and went home, not thinking any thing but of being with them about Eight or Nine of the Clock next morning. Next morning I arose early, so that I was at Monsieur *Barragar's* before Six, and there did bespeak a small Collation of the very best and choicest Sweetmeats, to be sent home as soon as possible. So after some time spent there I went thence upon my return home, and in my way, finding Mr. *Asbby's* Street Door open, I went in, and so up Stairs and knocked at Mr. *Asbby's* Chamber Door, who being in Bed arose and came out to me, and after giving good-morrow, having his Turkish Vest on, walked with me several turns about his Hall, and after some other Discourse, he asked me, *If I had heard the News?* I said, *No not I! what News?* Then said he, *Mr. Freeman saith that Mr. Albyn had made him sign a company of foolish Articles to him, but when he hath married his Daughter he will not value them this---* flipping his Finger and Thumb together. *Say you so,* said I, *well, I thank you for that.* So I said no more, but took leave and went home, where I did muse and pause very much at what he told me, and thought it by no means adviseable for me to go near them, so stay'd at home very much troubled; and toward the Evening, about *Kindee*, as the *Turks* call it, which is about two hours before Sun-set (the usual time for the *Jew* brokers to go home) I sent one of my *Jew* brokers *Chime Luce* by name, to tell Mr. *Freeman* I had a desire to speak with him, and accordingly he came: Now by that time, as near as I could guess, that my Broker was gotten to Mr. *Freeman's* House, I did then order my Cook to carry away the Sweetmeats to his House and deliver them to the Women, for whole Entertainment they had been provided (not knowing better what to do with them) so by that time or soon after my Cook was well gotten out of the *Haune* Mr. *Freeman* appeared and knocked at my Appartment there, and having seen him coming I opened the Door my self, and invited him in, and being in my Parlour I told him, *The reason why I sent for him was to ac-*

quaint him with some extraordinary News I had met with this morning as I had been to provide for his Entertainment, with his Wife and Daughter (and accordingly had provided) for, said I, *you know that late last Night we did appoint this day for the viewing and ordering my House, with your Wife and Daughter, and accordingly I have been to make provision for it; but as I came home a Friend told me that you had said, that I had made you to sign a company of foolish Articles to me, but when I have married your Daughter you will not value them this---* flipping my Finger and Thumb together; and for that reason I do resolve not to marry your Daughter in this Country. Then, said he, *Except you'll tell me who told you so, I'll say 'tis false.* Then, said I, *That's nothing but meer stuff which I regard not, you know 'tis true; but thus far I'll be with you, she shall be no farther charge to you, I will take care of her, and send her home by the Ships to my Mother, where she shall be as well entertained as one of my own Sisters; and if possible, I will go along with her, and endeavour to marry her with my Mother's consent; if not, I'll promise to marry none other until such time as she shall be as well married as if married to me.* Then said Mr. *Freeman*, *If my own Father should make me such a Proposition I would scorn it.* Then, said I, *More I cannot do.* After this he went his way and we had no more words, neither did I see him any more until Monday Afternoon, the 17th of May, Anno 1680; for I did not think it convenient to go near the House least I should be overcome with my Affections, which I found very strongly bent towards his Daughter; and for that reason, to avoid seeing her at Church on Sunday, I did on Saturday in the Afternoon order my *Sise Hamfa* by name, to saddle a couple of Horses, and in the Evening I rid to the Castle at *S. Jaccamores* point, where leaving my Man and Horses I made a sign, calling to the *English* Man of War there riding at an Anchor, whereof Sir *John Berry* being Commander, he sent his Boat for me, which carrying me on Board, I told Sir *John Berry* wherefore I came there at that time; so he received me with all Kindness and Respect: I stayed with him all that Night and all the next Day, being Sunday, where Mr. *Upman* the Duke of *Grafton's* Chaplain did officiate in Divine Service both Forenoon and Afternoon before his Grace the Duke of *Grafton* and all the Ship's Company: So staying all that Night also, I did next morning, being Monday, arise pretty early, and as soon as I could speak with Sir *John Berry*, I gave him my Thanks for his kind and generous Entertainment, and taking my leave, I was carried on Shore at the Castle, where my Man being

being ready with mine Horses I mounted immediately for *Smyrna*, where we arrived about Nine of the Clock, or soon after; and being at home I delayed not to put off my Boots, and immediately went to Mr. *Ashby's*, whom I found at home, and asked him, *What News, and how it fared with my Mistress, and whether she had been at Church, and whether he had seen Mr. Freeman?* He told me, *Yes, and how Mr. Freeman had told him, that he and his Family were under great Disorders, Troubles and Discontents; so that his Wife, for about eight Days past, could neither Eat, Drink, nor Sleep; but did tear the Hair off her Head; and had desired him to acquaint me, that if I would give him a thousand Dollars, he would release me from all Pretensions about his Daughter: To which I reply'd, With all my Heart (being much surpriz'd at what was told me) and desired him to bring him to my Habitation in the Afternoon, it should be done.* About two or three Afternoon they were with me in mine Appartment in the Grand Visier's Haune, both Mr. *Freeman*, and Mr. *Ashby*, and also Dr. *Luke*; so after I had bidden them welcome, I told Mr. *Freeman*, *How very sorry I was to hear of the great Grief, and Trouble, and Disorders his Family was in, though he knew very well 'twas none of my fault; but since 'tis so, and as Mr. Ashby has told me, that a thousand Dollars will content and please you, I did desire him to bring you to me this Afternoon and you should have it: So desiring them to sit down, I went immediately and fetch'd a Bag of one thousand Dollars, and laid it upon the Table, saying, I would have you and yours well satisfi'd, and therefore you may either take this, or if you'll please to walk along with me, I'll shew you something else, and you shall have which you please; so going down Stairs with me to my Ware-houses, I shewed him six Bales containing thirty long broad Clothes, as they did lie piled up one upon another without my Ware-house Doors, pack'd up in their Canvas, as they came from England. Then, said I, *You may now take your choice, either these six Bales or else the thousand Dollars I offered you above: Then he laughed, and said, You may be sure I'll take these. Then, said I, take them. Then he said, That at present he had no Conveniency to lay them, but in a Day or two's time he would provide Conveniency, but if I pleas'd he would go up and immediately give me a Discharge; so we went up, and furnishing him with a Pen and Ink, and Paper, I told him, That his Daughter must also discharge me, or else his Discharge could signifie nothing to me. Then, said he, If you'll please to come and Dine at our House to morrow my Daughter shall discharge you. Then said I, 'Tis very well. Then taking the Pen and Ink in his**

Hand, he wrote with his own Hand the Discharge, *verbatim*, without any Instruction or Direction of any one, but purely by himself, as followeth, *viz.*

Whereas upon sundry weighty Reasons communicated to Mr. John Freeman by Benjamin Albyn, an instance of Marriage was made, and to that end, his Daughter being deputed by her Parents to be Marriageable, 'twas agreed on by both Parties, viz. her Parents and Benjamin Albyn, that she should be sent for to come out by the first Ship, which though did not so exactly happen, yet 'twas accomplished by the first general Ships, which arrived here the 2d Instant; and according to promise, after sundry Visits made by Benjamin Albyn, he did on the 8th Instant ask her Consent, which she having given with the word Yes, both Parties look'd upon themselves to be Husband and Wife to each other, provided the Mother of Benjamin Albyn should give her consent; for the obtaining which, the said Benjamin Albyn had written two Letters effectually to his Mother under the date of the 3d of April last, and 13th Instant: But as the business was begun purely and solely upon Parole, without any manner of Script or Writing, which now by no means seems any way satisfactory to the Parents of the Maid, because not immediately married to Benjamin Albyn, who is resolv'd not to do it in a clandestine manner, without his Mother's Knowledge or Consent, which cannot probably be had without a long stay of six Months at soonest, and it being uncertain whether she may give her Consent, so that my Wife and Child's Expectation may be frustrated, I do hereby in the behalf of us all, exonerate and discharge Benjamin Albyn from all pretensions of Marriage with my Daughter, or any manner of Charges or Disbursements thereabout, from the beginning to the end of the World, having received of him a full and valuable Consideration, for not farther concerning himself with my Daughter directly or indirectly, but both Parties to remain as Persons that never had any manner of concern together, or that ever had heard the one of the other: Furthermore I do declare, That my Daughter being so young, as that the Custom of Women had not passed upon her, Benjamin Albyn did object, that immediate Marriage was untimely; and such present Copulation with her might cause her to be perpetually Barren. In witness to all the Premises, I have hereunto set my Hand and Seal this 17th Day of May, Anno 1680.

Signed and Sealed in
the presence of us,
John Luke, D.D.
John Ashby.

*John Freeman, Locus
Sigilli.*

C

True

True Copies of those Two Letters mentioned in Mr. John Freeman's Discharge, viz. the 2d of April and 13th of May, 1680, are as follows, viz.

Ever Honoured Mother. Smyrna, April 3. 1680.

Dear Madam,

THE above written 26th of March is a Copy of my last, since which none from you, so shall be the more brief: these serve for good usance, and to advise you, that the consideration of my Years now being the only Son of my Father, deceased, together with the evil Designs and malicious Projects of Mr. Jolliffe for mine utter ruine and overthrow, which may be called Provocations to Bloodshed, if ever I should have met with him in England: to avoid which, I thought the only remedy was to stay here and so to order mine Affairs accordingly; the main particular whereof, if I now give you to understand, I hope will be no trouble to you, but rather upon a deliberate consideration of the Premises, together with the grand imbroyles now in England, you'll be fully satisfied, and think with me, that if it comes to pass that God Almighty hath ordered by his Providence all things for the best; and if in his Providence he shall disappoint or hinder the matter I have so far engaged in, still 'tis for the best: On him alone I rely to effect or disappoint my Marriage with a young Maid upwards of 12, but not quite 13 Years old, expected to come out of England upon the Ship Mary and Mattha, one of the Companies general Ships, according to the order of her Parents (residing here) at my request. I having promised that at her arrival in case she can like to love me and I her, I would marry her, telling them also my Grievances with Mr. Jolliffe, and how I am unwilling to lose more time. Now though Mr. Jolliffe be dead, as I hear, yet if she comes out I cannot think of breaking my Word or doing any thing contrary to my Promise: for I look upon such things to be Sacred, notwithstanding I have given neither Bill nor Bond, nor any manner of Scrip for my compliance, 'tis probable that she being so very young may be afrighted at my Mustaches, they being somewhat large; and if it be so I'll promise you not to shave off one Hair of them. Also I told her Parents that I would ask her the Question once, it may be twice; but after once denial I would ask it no more, nor would I inveigle my self in Love, or give any manner of Presents before she become my Wife; because, that in case she should not match or agree, that then no Monuments of mine Intentions should remain in her Hands; so now how the Business may succeed God only knows. I pray God direct all things for the best, and direct your

Heart to put up such Petitions for me, as may be most agreeable to his Will for my welfare, who begs your Blessing and daily Prayers for me, who am,

Dear Mother,

Your most Dutiful Son,

Benjamin Albyn.

M. Dear and ever Honoured Mother.

Smyrna, May 13. 1680.

Dear Madam,

IN my last, which was the 2d of April, I advised you in what manner I stood near the point of Marriage; I come now to acquaint you, that though my Mistress be arrived the 2d Instant, yet I am not married, neither do I intend it till I have your Consent, though according to my promise before her arrival, I have asked her the Question, and she hath answered me Yes, and I have owned her before the World to be mine, and that for my sake her Parents sent for her over, so do now look upon my self obliged to marry her if you shall please to give your consent, if not, to maintain her till she shall be as well provided for; wherefore I desire you to consider of the point, for as I have sought not to sin against God by offending you, so please not to make me sin against God by offending her. Also I do intend to come home for England with her, and with your leave to marry her in your presence: Her Parents are very urgent with me to marry her here, but I tell them I cannot do it without your consent, in regard now the state of things are altered by reason of Mr. Jolliffe's death; which if had not happened, I should not then have taken this Latitude of deferring the Business, but rather should have relied on your Clemency for the pardon of such an Action, because of the Exigency he put me on in his life-time by his unjust and unreasonable dealings. Here inclos'd send you an Authentick Copy of Mr. North's Declaration, how he found mine Accounts of Mr. Jolliffe's Concerns in my Hands, which you may please to communicate to any Friends; which being the needfull, I humbly beg your Blessing and daily Prayers for me, who am,

Dear Mother,

Your most Dutiful Son,

Benjamin Albyn.

Which said Discharge, preceding the two Letters, being drawn and delivered with Mr. Freeman's own Hand into mine own Hand as his Act and Deed, in the presence of Dr. Luke and Mr. Ashby, he went his way very well pleased. The next Day I sent him an Horse, which if he had been in England I do believe might have yielded a brace of hundred pounds.

or more moneys; and to his Wife I sent a piece of very fine watered Camblet, which I bought at *Angora*, in my return from *Jerusalem*, as Presents; and to his Daughter I did give a good new pair of fringed Gloves and a laced Neckcloth (which I received by the then general Ships) for her to present her Father with, though I think I never had so much as one word of Thanks for any one thing they had of me from any one of them. The next day, according to promise, I went for my Discharge from his Daughter, and dined with them: So after Dinner, sitting altogether, I spoke to the Daughter, and said, *Madam, you know there has been Overtures of Marriage betwixt us, and our progress therein was more than a little one; but I do suppose your Parents have told you the reason wherefore it cannot be: Then said she, Whereas before, by my Father and Mother's advice, I said you Yea, so now I say you Nay,* wiping her Eyes with her Handkerchief (which indeed did so cut me to the heart, that I do believe I should not have been able to have left her so, in case Mr. *Ashby* had not been there, whom I took care to get go along with me for fear mine Affections should betray me:) then rising off my Seat, I made my conjeys, and bowed, and so went away with the Noise of her Mother's heavy Curse execrating of me; but what the Words were, I have utterly forgotten; which I thought was monstrous strange, when the thing that was done was purely and only their own seeking, according to their own desire: (but I was wholly silent without making any reply:) but, it seems, 'tis the Sharpers way and method, as I have been informed since.

Thus having finished all my proceedings about the Marriage with Mr. *Freeman's* Daughter, I went no more to Mr. *Freeman's* house, nor did I see any of them any more, unless on *Sundays* at Church, and sometimes meeting them accidentally in the Street, or at the *English* Houses, where sometimes we did chance to eat together; and my design being to leave the place for fear of being captivated in mine Affections, which I found inclining towards her, I did, to my great damage, leave much of my concerns at *Smyrna*, and imbarck my self on the Ship *Smyrna* Merchant, Captain *Udall* Commander (one of the Fleet my Mistress came out upon) on the 3d day of *August* Anno 1686, for *Leghorne*, in order to my return for *England*, having the Evening before suppt with Mr. *Freeman*, his Wife and Daughter, at their House: And next morning having been at every *English* House, I came at last to them to take my leave, and breakfasted with them; and at taking my leave of their Daughter, I advised her to behave her self circumspectly and virtuously, and I would

still endeavour to get my Mothers consent to marry her. So saluting her, and bidding her farewell, she gave me a fine Cambrick Handkerchief, which I took and put up; then giving to her Maid ten Dollars into her hand, I did give her Maid great Charge to take great care of her Mistress and her Reputation: So taking my leave of all, I went down their stairs, and walked to my own Scale; and embarked as aforesaid: After I came to *Leghorne*, I wrote her a Letter, and sent her a small Present of a *Roman* Fan, which she did receive, and kindly answer; so that I do believe there was no want of true Love and very cordial Affection towards each other, and nothing but purely the coverousness and the evil designs of her Parents to pretend by signing Articles to draw us together in our Affections and Inclinations to each other, and then to declare them foolish Articles, and they would not value them, but fully intend to break them after Marriage, that so by baffling me they might bereave me of what possibly they could get from me, and remain in their luxurious way of life; without being beholding any longer to the Factory; And also be enabled to pay some debts, that were very pressing upon them. Now they having accomplished their design, Mr. *Freeman* being desirous to be accounted wise and wary, so as to prevent all accidents in any business he undertook, thought fit (knowing me to be a man that would not talk much of my matters in all Companies) to report and give the World to understand, that whatsoever I had given him, was but according to mine Obligation or Bond given him for performance, before he would send for his Daughter; and though in his conscience he knew the contrary, yet he making such report for many years together without my contradiction or saying otherwise, or any thing to the contrary, hath (as I suppose) made himself believe it to be true, or else why should he adventure to swear so diametrically contrary here in *England*, to what in *Smyrna* was really acted; And he gave freely under his own Hand and Seal, attested by two Witnesses, Dr. *John Luke*, D.D. and Mr. *John Ashby*; the words of which are before mentioned in his Discharge; and the Words of his Oath are as follows, viz. in his Answer to my Cross bill preferred against *Richard Blackam* and *John Freeman*, filed in the Lord Mayor of London's Court of Equity, 4th of *March* 1696, as follows: viz.

Jurat XIII July, 1696. Cor Roberto Jeffryle.

This Defendant absolutely denies that he ever had six Bales of Cloth of the Complainant of the value of Three thousand Dollars, for which he was to give to the Complainant any account whatsoever; but this Defendant saith

said true it is, that in and about the Year of Our Lord 1680, being at Smyrna, and the Complainant having grossly and perfidiously broke his Word and Faith with this Defendant, to the great damage of this Defendant; the said Complainant did refer the said Difference to Arbitrators, who did adjust the said Difference with this Defendant and the Complainant; and awarded the Complainant to pay unto this Defendant the Summ of One thousand weighty Dollars to the best of this Defendant's remembrance: But when this Defendant came to the Complainant for his Money, the Complainant told this Defendant he would pay him this Defendant in Money if he this Defendant insisted on it, but shewed this Defendant six Bales, which he said was Cloth; and told this Defendant, that he believed that it would be as much for this Defendant's interest, as for the Complainant's conveniency, to accept of the six Bales of Cloth in lieu and instead of the thousand Dollars, and shewed this Defendant the Invoices of them, that this Defendant might see they were rather better than the said thousand weighty Dollars, and told this Defendant might thereby see that he this said Complainant dealt friendly by this Defendant, and studied more this Defendant's interest than his own; and thereupon this Defendant accepted of the six Bales of Cloth, and in satisfaction of the said One thousand weighty Dollars, and on no other account or condition whatsoever; and did then give the Complainant an Acquittance for the same.

Now I do know that he did never see, nor did I ever shew him the Invoice of the Cloth; for my design in giving him the Cloth, was, that he should never be able to say to what value I had given him; and though he swears that the thirty Cloths he received of me were not worth Dollars three thousand, yet I am sure I made more of Cloths inferiour to them; and since that Cloth's which cost here in England two and three Pounds per Cloth less than they cost, have been sold in Turkey for Dollars 110 and 120 per Cloth.

By his Discharge, signed and sealed with his own hand at Smyrna, dated the 17th of May, Anno Christi 1680, in the Presence of two Witnesses, viz. Dr. John Lake and Mr. John Ashby, it is,

First, Apparent that he and his Wife did warrant their Daughter marriagable, when she was not, which is a Fraud.

Secondly, It is apparent she did not come out by the first Ship, according to the Agreement; and consequently I was free from any Obligation to ask her the Question.

Thirdly, It is apparent that there was no manner of Script for the performance of any Agreement, and

consequently 'twas highly scandalous and injurious in him to report that I had given him my Bond to pay him so much in case I did not marry his Daughter.

Fourthly, It is apparent that I did, according to promise, ask his Daughter's consent, and thereupon did endeavour honestly to marry her, both of us thinking our selves obliged to be Husband and Wife to each other (her Father having tied us with the Ceremony of a Glas of Wine.

Fifthly, It is apparent that there was a Proviso made for my mother to give her Consent, and therefore 'twas highly scandalous and false for Mr. Freeman to swear that I had grossly and perfidiously broke my Word and Faith with him to his great damage.

Sixthly, It is apparent that for the obtaining my Mother's consent, I had wrote two Letters effectually to my Mother under the 3d of April and 13th of May 1680; and consequently as I ought to have stayed for an Answer, so he ought not to have urged and pressed me to have married his Daughter before 'twas possible an Answer could come.

Seventhly, It is apparent, that the business was begun purely and solely upon parole, so I think in honour and honesty I ought to have gone on upon parole to marry her with my Mothers consent, my parole being as good at last as at first.

Eighthly, It is apparent that it was by no means satisfactory to the Parents for me to go on upon parole with my Mother's consent (though 'twas the Agreement,) because I did not immediately marry her in a clandestine manner, contrary to the Agreement; and consequently Mr. Freeman did basely, treacherously, grossly and perfidiously break his Word and Faith with me, and not as he hath most fallely sworn I did so by him.

Ninthly, It is apparent that their pretended Discontents with me for going on honestly according to agreement, was injurious and highly fallacious to demand and take any thing of me for their Charges and Disbursements, and is plainly a Cheat upon me for being honest, and keeping to my Word and Agreement.

Tenthly, It is apparent, upon the whole matter, that after Mr. Freeman had given me his Daughter, so far as before God to be my Wife, he himself having with the Ceremony of a Glas of Wine participated amongst us all four; viz. himself, his Wife, my self and his Daughter, solemnized a strong Tye upon us all, not to be broken: Yet notwithstanding all that, he broke the contracted Covenant and took his Daughter from me; and by a pretended Grief and unsupportable Discontents and Disorders in his Family bereaved me of very considerable Substance

to support them in their deplorable Condition, as 'twas represented to me to obtain my compassion.

Eleventhly, It is apparent that he doth declare and confess that his Daughter was so young, that the Custom of Women had not passed upon her, and consequently must not then be marriagable; and therefore according to the Agreement ought and might have stayed for an Answer from my Mother.

Twelfthly, It is apparent that I did object that immediate Marriage was untimely, and such present Copulation with her might cause her to be perpetually Barren; and therefore he ought not to unjustly and unlawfully to have press'd me to do that which upon all accounts whatsoever ought not to be done, but according to agreement ought to have let me go on fairly and honestly to do and perform, in its due time, what ought to have been done; and, in all probability, by that time, his Daughter might have proved marriageable; and then, as I had intended, nothing should have hindered for having passed the Obligation of her Father's ceremonious Glass of Wine. I intended no farther delay than the time of getting mine House ready and in order, as may appear by the truth of the relation of the matter before set forth in this Narrative. In his Answer to my Bill he seems extremely indifferent and careless, as though he were not upon his Oath.

Also it is apparent (by the words his Daughter pronounced to me when she discharged me, saying, *Whereas by my Father's and Mother's advice I said you Yea, so now I say you Nay*) that they falsified their Word and broke their Promise made unto me, not to persuade her to say or do any thing, but purely to leave her to her own Inclinations.

Also he swears he gave me a Discharge for the six Bales of Cloth, and there is not one word of Cloth mentioned in his Discharge; and I never had any other Discharge from him.

Also, how is it possible for him to swear truly, and say, *True it is, that in the Year of Our Lord 1680, being at Smyrna, and the Complainant having grossly and perfidiously broken his Word and Faith with this Defendant, to his great damage; the Defendant did referr the said Difference to Arbitrators, who did adjust the said Difference with this Defendant and Complainant to pay this Defendant One thousand weighty Dollars, when by his Discharge, under his own Hand and Seal, he doth acknowledge the truth of the Matter of fact; and therein declare, That, according to promise, Benjamin Albyn did, on the 8th of May; ask her Consent which she having given with the word Yes, both*

*Parties looked upon themselves as Husband and Wife to each other, provided the Mother of Benjamin Albyn gave her Consent, for the obtaining of which, the said Benjamin Albyn had wrote two Letters affectually to his Mother, under the Dates of 3d April and 13th instant May: Which being matter of fact, how is it possible to agree with what he hath sworn? is it not quite contrary? In his Discharge he doth not make mention of any Reference, neither indeed was there any Reference, or a word of a Reference, mentioned by any manner of person whatsoever, or offered or spoken by him to me, or by me to him; neither was there any opportunity for it; nor did I ever entertain any such thoughts, being under no Obligation; for in his Discharge he saith himself, *That as the business was begun purely and solely upon parole, and Benjamin Albyn was resolved to accomplish the thing only upon parole, without any manner of script or writing.* And after I had told him of his unfair dealing and intentions, not to value the Articles he had signed to me after I had married his Daughter, and how for that reason I would not marry his Daughter in that Country, but would endeavour to do it in England, and he had refused that Offer: He went his way, and I saw him no more, nor heard a word from him, untill from Mr. Ashby, who came with him to me in the Visier's Hauke, 17th May in the Afternoon, according to mine own appointment for him, to receive and take that satisfaction he himself had desired Mr. Ashby to propose to me in the Morning (as before is set forth;) although, for mine own part, before Mr. Ashby spoke to me, I was so far from any thoughts of a Reference, that I intended to go home with her and marry her in my Mother's presence, as may appear by my Letter wrote to my Mother the 13th of May, which was about two days after Mr. Freeman had bin gone from me, and had seen no more till then with Mr. Ashby; for I did look upon her so much mine, that in case her Parents had refused, I should have desired the Consul, by his Authority, to Aid and Assist me to have taken her off the place, and brought her home with me for England. So the pretended Reference is altogether notorious, false, and plainly scandalous; and what I gave him, was by no manner of compulsion or persuasion, but purely in generosity to his Daughter, and out of pity and compassion to her distressed Parents, Father and Mother being in such a lamentable condition, as for many days not to eat, drink or sleep, but in great Agony, to tear the hair of her head, as I was told the Mother did; Therefore Mr. Freeman is monstrous ungratefull and impudent in his Assertion upon Oath.*

Now

Now although Mr. Freeman may think that the Estate that his Brother did get in the *East-Indies*; and dying there, did give, and carefully leave to be made home to him here; and thereby he being possess'd of a considerable Estate, which may be sufficient to support him nor only in his impudent insolency, to tell me I had *eaten shoes and drank usser is*, and would sit upon my Skirts; only for sitting civilly, and friendly conversing with my old friends and acquaintance, because he came by chance into the Room and found us so doing; (I think none but a base born Beggar, raised to his Estate, would do the like;) but also in his monstrous ingratitude for my Bounty to him in his extreme low condition; and upon his Oath falsely to tax me with grossly and perfidiously breaking my Word and Faith with him to his great damage, when by no manner of Obligation I was by Word or Deed in any-wise indebted to him the value of one farthing, or had broken any promise, but had performed my promise; and did voluntarily at his desire (by a friend made known to me) supply him so far, as not only to enable him to pay his Debts, but also to live freely in the World, without being beholden to others for his support, before he was possess'd of his Brother's Estate: I say, if all things (besides the Laws and good Manners amongst Men) be duly considered, the Estate cannot reasonably support or excuse so vile a humour and base inclination: For I do very well remember, that before the *East-India* Company did admit and send his Brother into the *East-Indies*, (where he did get the Estate;) his Father did obsequiously come with abundance of cringing, and much more humility and humble entreaties than was expected or desired for many days Morning and Evening unto my Father, being then a Member of the *East-India* Companies Committee, to intreat and importune him to use his interest with the rest of the Committee, so as to prevail with them to send his Son to *East-India* in the Company's Service; which was not easie to obtain, by reason of his deformity and infirmity of Lameness; for they do not use to send such infirm persons in their Employment, having always their choice of compleat persons offered to them for their employment: And accordingly my Father did prevail with them, so that he was sent as desired; and in case my Father had not befriended him with diligent Endeavours, I question whether he would have bin admitted by the *East-India* Company. And therefore I do think that this his dishonourable, unjust and scandalous dealing by me, as mentioned and expressed herein, ought to be so far from being countenanced or endured, that he

ought not only to refund with interest what in honour I gave him for the honourable maintenance of true love and friendship, and for the prevention of such abominable Complaints, with which he hath ever since, for so many years, laden and scandalized me: I say, I think he ought to repair and give me satisfaction for so base and vile an injury, besides for many other Grievances he hath multiplied upon me. Now in case he had not intended to had owned himself to be really satisfied with what in his Discharge he owns to have received, and therein calls it a full and valuable Consideration; why should he take from me so much more than was due to him, and revile me for it ever since, and at the last represent me to be guilty of his own manifest Abominations and Villainies? And though I may or do think that his Estate is not sufficient to make me recompence for the many Wrongs and Injuries he hath done unto me, yet upon a due and true Acknowledgment thereof, I may be content with such moderate things, as to the just and reasonable may seem most meet and fitting. I do most heartily desire to follow Peace with all Men; but I do experimentally find, silently and quietly to be bereft of both Estate and Reputation, is not the way thereunto: And for that reason 'tis that I do now come forth to seek Restitution and Satisfaction by way of Justice, or else my Dissolution, by the means of his and others unparallell'd Malice. When I was a School-boy, 'twas then said, *Quanto altior es tanto te geras submissius*: And I have not since heard of any Statute or Command that saith, *If thou art rich, thou shalt be proud and insolent*.

Now this Affair of Matrimony troubling my Mind very much, I, to divert my Melancholy, did make it, 27th of Febr. 1683, before I got to London, (though I rid Post almost all the way from *Legborne*) which was near 19 months from *Smyrna*; though if I should recount how long I stay'd in every place, there would appear but a very little, if any time to move.

Now being come home, I expected to have received of Mr. Samuel Moyer, being Mr. Jolliffe's Executor, the Ballance of Mr. Jolliffe's Account due to me, being Lyon-Dollars 8181 and 37 Aspers, but in the stead thereof, as I wastold, that by Mr. Moyer's means 'twas reported on the Exchange, that I owed to Mr. Jolliffe's Estate 10000 pounds. So it seems Mr. Moyer's diligence against me was not only to ruine my Credit abroad when abroad, but at home when at home: And to make it more manifest, in November following preferr'd a Bill in Chancery against me, wherein I was set forth as one of the vilest of Men; where after about five years Dispute and

and great Charges, Mr. *Moyer* was decreed to pay unto me the Summ of Six hundred forty eight pounds Sterling, and five pounds for Costs only, being an Executor. Afterwards, as I was advised, I did get my Decree signed and enrolled, that so he might not trouble me any more: But however, upon the Revolution of the Government, three of his Council being made Lords Commissioners for the Custody of the Great or Broad-Seal, Mr. *Moyer* brought his Bill of Review before them; then they (without giving any reason that ever I heard of) reversed the Decree, set aside the Enrollment, and ordered the Cause to be reheard *ab origine*, while I was about my Business at *Portsmouth*; and though before I went, having had notice of their Design, I fee'd my Counsel with sundry Guineas to each, yet because the Cause came not on the first day 'twas appointed, it seems they expected (as they call it) refreshing Fees, as my Solicitor told me; and because I omitted so to do, little or no defence was made for me; my Opinion being, that 'twas an unreasonable thing to give extravagant Fees for nothing, because the putting off was not my fault, and I had not any Money but what with great care, hazard and trouble I had obtained by the Sweat of my Brows in my way of Merchandise: So the Cause coming to be heard accordingly, one of the Lords Commissioners of the Great Seal, without hearing much of the matter, before the Cause was fully opened, said, He would make short work, he knew the Cause very well, 'twas nine Years and an half old, and 'twas time to make an end of it; and ordered and decreed me to pay back the Money's with Interest which I had received of Mr. *Moyer*, and 6977 Dollars besides; whereupon in my mind I did resolve to bring mine Appeal to Parliament, and accordingly I did avoid being served with the Decretal Order, because I would avoid running into the Contempts of the Court of Chancery: So not finding to serve me with the Decretal Order, Mr. *Moyer* took out a Statute of Bankrupt against me, thereby to execute the Decree, and laboured extreamly to find out some body to joyn with him to make me a Bankrupt, but could find none; the like was never known or done by any man to any man, as I have been told by the most learned and knowing able Lawyers: So this is apparently a Grievance without any President, and the ill Consequences have been many and great upon me, and those that were my Friends are become Strangers unto me, if not utter Enemies: And though he could not prove me a Bankrupt, yet the Commissioners sat five times (as I have been told) to make me so, and assigned my Goods of some thousands of pounds value upon the

Turky Ships unto Mr. *Moyer*, and sent the Commission on Board the said Ships; soon after they arrived in the River of *Thames* from *Turkey*, and there pretended me a Bankrupt; whereupon I went upon the Exchange and arrested Mr. *Moyer*, and told the Commanders of the Ships, *That if they delivered any part of my Goods to Mr. Moyer, I would arrest them.* So with extravagant Charges and much ado I saved them out of his Hands. Afterwards I made my Appeal to Parliament, who did upon hearing the Cause most honourably and justly reverse the Decree (of Reversal) and so confirm my first Decree, for which their Justice I pray God reward them Eternally; but leaving me to the Law for the Recovery of my Damages sustained by the Statute of Bankrupt. I brought mine Action against Mr. *Moyer* for Twenty thousand pounds, that being the Summ that some of them said they had heard people say I was worth (in the Court when the Commissioners were sitting upon the Statute,) and said moreover, *Now we shall see whether he be worth it or no.* Now the Action being brought to a Tryal before the Lord Chief Justice at *Guild-hall, London, Anno 1691*, having subpoena'd in about Twenty six Witnesses, and though all came, yet hardly four of them were call'd or examined. I did not doubt, but being to answer upon their Oaths, they would speak the truth of what they knew; but, contrary to expectation, one of them that had told my Mother, that Mr. *Moyer* was resolved to use all the rigour that possibly he could against me, did upon his Oath tell the Court, That he never heard Mr. *Moyer* to speak against me, but did always speak with very great respect and kindly of me, or to that effect. And another of my Witnesses (on purpose as 'tis supposed) (which I thought had been my particular Friend (and had been very kind unto me in the time the Commissioners sat upon the Statute to tear me into pieces) I according to the utmost of my mean Ability did endeavour to requite him, by taking all manner of occasions to do good for him and his; as for instance, One Mr. *Thomas Barnadiston* being in Partnership with one *John Barton* mine Apprentice, in the Office of Factor Marine at *Scanderoon*, being both dead, he came to me and told me, That *John Barton* died indebted to Mr. *Barnadiston* the Summ of one thousand Dollars, or thereabout; and upon his desire I did promise him to use mine Endeavours to get it for him when *John Barton's* Effects should be gotten home: Now I having made him this promise, and mine Intentions being to go for *Dublin* in *Ireland*, and there to stay untill near the time that the Parliament were to sit in *November* following, when I did design to return and bring mine Appeal, I thought it both just and kind to go and acquaint him with it, which I did in the same words, and at the same time I did endorse and deliver to him Bills of Lading for some of mine own proper Goods, both Silk and Gauls, laden on the *Turky* Ships.

Ships then expected home from Turkey, that so out of them he might be fully satisfied what was due for John Barton's Debt, which I had promised to endeavour to get for him, which he seemed to be well pleased and satisfied withall. Now John Barton, though he was mine Apprentice, and had sundry Years to serve me, yet he needed not to have gone to that fatal place of Scanderoon, had not some busie People perswaded him to it, by telling strange Tales of great Preferment, which made him come and beg of me to let him imbrace the offer, and that I would not withstand his Preferment. So after I had given him mine Opinion and Advice against it (having been there twice my self) and had told him, I intended other things for him, I left him at his liberty; so he went, although in the time he had lived with me at Smyrna, he had gained better than 1200 pounds from little or nothing. For I was so far from lessening him (by receiving and delivering Bags with Money under his Seal, to make good what should be wanting, as I have been told hath been the practice of one that thinks himself a great Man here in England, whose Cash being always very considerable, would make his Apprentices receive all his Moneys; and when he had made up an even hundred pounds in a Bag, then he was to seal it up, and so deliver it to his Master; and when 'twas to be paid out, the Apprentice was to tell it, and whatsoever was wanting he made good, being under his own Seal, although, it seems, his Master would rip up the Seams of the Baggs and take out what Money he pleased, and then sew the Baggs up again. I say, I was so far from such vile practices, that I did encourage and countenance him in all honest ways of getting and improving, and was always well-pleased to see him do well.

Also having shewed him the very Individual Accounts relating to the Factor Marine Duties due to Mr. T. Barnadiston and J. Barton, which I received from Mr. Thomas Hutton dwelling then at Aleppo, that so a due allowance might be made, he called them *Sham Accounts*, and would by no means refer the Consideration thereof to any Man, though I offered it with all the Mildness that could be; true Copies whereof are here inserted.

Mr. Thomas Willson	Debtor	L. Dol. Asp.
To Dol. 2500 per the Blossome		2 40
5 Bufts Rhubarb per the Ponte de Oro		3 55
5 Bal. Filadon Dol. 3 51 05 4 Tela		6 39
L. D. 2 64 per Aylesbury		
20 Sa. Gauls per Mary Pink with Primage		13 74
9 Bufts Drug L. D. 6 51 one Ba. Pint L. D. 56		7 27
30 Sa. Cotton asp. 69 is L. d. 25 70 and		28 54
4 Ba. Tela L. d. 2 64		
Capt. Rausen by your ord. for fresh Provisions		15
Mr. N. Hill per your ord. 2 Sheep at d. 2 1/2 per S.		5
Capt. Phil. Edwards by your ord. for fresh Prov.		10
36 Ba. Clo. per the Chandois		20 56
Cotton R ^o 14 on 10 Ba. Ld. 12 be at R ^o 30		14 30
asp. 1 d. imb. Ld. 1 10		
Fr. 2 Canvasses from Marseilles		1 40
Cambio 114 Ba. at d. 1/2 per P. and 4 per Cent.		2 22
		131 37
Deducted for R ^o 14 Conf. Ld. 12 be at d ^o af 72		12 72
overchar. having then 8 Lab. & R ^o 6 Cot.		
Memorandum, that Mr. Barton's half of this Bill was receiv'd by Mr. Barnadiston.		118 45

Mr. Edmund Sayer	Debtor	L. Dol. Asp.
To 5 Ba. Tela per the Aylesbury at af. 46 per Ba.		3 40
40 Sa. Ashes per the Mary Pink at asp. 10 per		5
Sa. out the James		
90 S. Ash per Bloss lad. on the Mary at 20 per S.		22 40
weighing 10 Sa. at asp. 3 per Sa.		1 10
48 Sa. Gauls on the Mary Pink at 49 af. per Sa.		51 36
7 Ba. Filado's on d ^o Pink af. 49 per Ba.		4 23
Primage af. 130 Sa. Ashes and 48 Sa. Gauls		17 67
at 12 Sa. to a l. d.		
Primage 2 Ba. Tella 2 Sa. Cot. and 300 Ba. Fil.		4 20
Hoops, Nails, Cooper. &c. on your Sug. Cask		2 60
3 Ba. Goats-wool per Palletine		2 17
open drying, steev. & imb. af. 1 Ba. d ^o Go. w.		60
Dol 3600 per the Chandois and a Chest		4 48
12 pieces of Canvas 4 R ^o packthread deli-		15 27
ver'd your Serv. Usaph.		
2 Ba. Pistaches per Mercarius for Liv.		1 38
2 Ba. Pistaches per Capt. Odo for Marf.		1 38
Camb. on 136 pieces at dol. 1/2 per p. & 4 per cent.		2 58

Memorandum, that Mr. Sayer did make good to Mr. Barnadiston this Account, as per Account current delivered Mr. Proctor, so you must demand the half of said Summ as being due to Mr. Barton, of Mr. Arthur Barnadiston in London, as being Executor to the deceased Thomas Barnadiston.

Mr. Edw. Dunch	Debtor	L. Dol. Asp.
To 3 Ba. Cloth on the Blossome		1 58
Dol. 3600 on d ^o Ship and a Chest.		4 48
Imbals 1 Ba. Cloth into 7 Ba. at af. 10 per Ba.		70
R ^o 14 of Cot. bear Canv. Packthr d 1 af. 45		10 75
61 Sa. Gauls per d ^o Ship Blossome af. 49		42 35
Primage 12 Sa. to a Dol.		
46 Ba. Filad. per d ^o Ship af. 49 per Ba. with Pr.		33 74
92 Ba. Clo. per Chandois af. 46 and 20 Ba.		66 52
ryn. af. 49 and Dol. 1500.		
imb. ryn into 8 Ba. at 1/4th per Ba.		1
Canvas and Packthread 1/2 per Bale		2
Cambio on 222 ps. l. d. 1/2 per p. and 4 per cent.		4 35

Mr. Thomas Pagett	Debtor	L. Dol. Asp.
To 2 Bales Silk per the Aylesbury		1 38
4 Bales Silk per the James		2 76
2 Bufts Rhubarb per the Palletine		1 38
58 Bales Cloth per the Chandois		33 28
In cottoning 28 Ba. d ^o at af. 10 Packthread		4 16
af. 2 per Ba.		
Beating R ^o 84 of Cotton at af. 3 per R ^o		3 12
Cambio on ps. 66 at Dol. 1/2 per ps. & 4 per cent.		1 25

Mr. Edward Fisher

Debtor

L. Dol. Asp.

To Dol. 1000 per the *Pallasine* and 2 Chests
 2 Bales Silk per the *James*
 60 Bales Filado's per the Blossome and 6 Bales Silk at asp. 59
 39 Bales Tela per d^o. Ship at asp. 56 per Bale
 52 Sacks Gauls laden on the *Arch-Angel*
 8 Chests Galbanum per d^o. Ship asp. 59
 6 Bales Silk per the *Aylesbury* asp. 59.
 opening, drying, and re-imbaling 60 Bales of Filado's at dol. $\frac{3}{4}$ per Bale
 50 Bales Cloth per the *Chandois*
 imbaling 3 Bales d^o. at $\frac{1}{4}$ th per Bale with Labetts, Packthread asp. 2
 Cambio on 225 pieces at dol. $\frac{1}{2}$ per piece and 4 per cent.

4 00
 1 38
 48 54
 27 24
 36 15
 5 73
 4 34
 45 00
 28 60
 00 36
 4 38
 206 58

Also having seen an Account of some Moneys received and pay'd, which I gave to one to be shewed to any one to see if there were any Error in it, I would rectify it; he, without demonstration of any Error, called it a Knavish Account; a true Copy of the particular Summs is here inserted, that still, if any one can assign, or shew me any Error therein, I am still desirous it should be rectified, but I know of none.

Cash	is	Debtor		Cash	is	Creditor	
To Money Receiv'd foll.	lb.	s.	d.	By Money pay'd particularly as foll.	lb.	s.	d.
Anno 1682, on the 20 May receiv'd	200			Anno 1682 Aug. 20.	2	10	
1682, on the 9 Jan.	305	08		Decem. 4.	2	10	
1686, on the 21 July	162	15	10	1683 May 25.	2	10	
25 October	50			Aug. 17.	2	10	
29 Novemb.	50			Sept. 19.	3		
1686, on the 25 Febr.	100			Octob. 12.	5		
1688, on the 22 August	421	11	7	Jan. 4.	2	10	
1689, on the 14 Decemb.	14	11	6	Jan. 28.	1		
1690, on the 4 Novemb.	52	02	8	Febr. 4.	1		
	1356	09	7	1684 April 19.	1		
				May 8.	1		
				June 3.	1		
				June 19.	2		
				June 28.	5		
				July 12.	7		
				Sept. 26.		10	
				Octob. 3.	1		
				Octob. 21.	2	10	
				Nov. 3.	2		
				Dec. 19.	1		
				Jan. 26.	10		
				Febr. 19.	2		
				Mar. 24.	10		
				1685 May 21.	6	1	6
				May 29.	3	5	
				June 11.	1		
				July 3.	41	10	
				Aug. 5.	1		
				Aug. 6.	7		
				Oct. 29.	13	3	
				Nov. 17.	50		
				1686 Jan. 9.	162	15	10
				Jan. 19.	37		
				Jan. 28.	10		
				Febr. 8.	5		
				Febr. 15.	70		
				Febr. 26.	6		
				more	10		
				1686 Mar. 25.	5		
				Mar. 30.	5		
				Car. to next	502	5	4
				Allowed and paid for Interest			
				Make in all	1468	06	04
				C			
							Eu.

Whereas by the particular Payments on the other side it may appear how irregular and unduely Moneys at Interest of 5 per Cent. per Ann. were pay'd, I being without due warning desired to pay whatsoever Summs, whensoever demanded; and being all along perplexed with the excessive trouble of Law-suits, yet my desire being, that right may be done without wronging any, I have made up this Account according to the best of my Skill, and if any Error be found I desire it may be rectify'd.

But having brought him acquainted with Mr. (since Sir Richard) Blackam, who hath, it seems, both diligently and secretly spread and whispered about, amongst People, as bad an Opinion of me as 'tis possible for one Man to have of another, as I have been told (but what 'tis I cannot be informed.) This my Friend became mine utter Enemy, inasmuch that when I went to him for a Receipt and Discharge for John Barton's Debt which he had received; as I was going out of his House he laid his Hand on my Shoulder and push'd me out, clapping the Door of his House very hard upon me, having but just before in his House told me, That if he had known so much of me before as he had since been informed, he would never have had to do with me. Also when he came to give his Evidence upon Oath, he declared, That I came voluntarily to him with Bills of Lading, as aforesaid, because I intended to go beyond Sea; whereupon I went to him in the Court, and whispering in his Ear, I said, *I do not remember that ever I spake such a word to you*: Then said he, *did you not tell me, that you intended to go to Dublin in Ireland*: Then, said I, *you should inform the Court so*; but he would not (though I never pronounced the words *beyond Sea* unto him, and for me to speak my self, was to ruine my Cause, as I had been formerly told by the Lawyers in another Case, when I spake to the Judge, the Judge bid me speak to my Counsel, for the Lawyers Maxim is, by no means to suffer a Client to speak in his own Cause, for that they'll tell him, will ruine his Cause.) So the Judge and Jury finding by his Evidence, that I intended to go away beyond Sea, so as that no body should know whither or where to find me, or hear of me, they without stirring from their place, gave their Verdict against me, as it is supposed; and though I would not, yet one of my Counsel that knew how to favour Mr. Moyer, would and did appear to the Verdict whether I would or not, though I would gladly have had a Tryal at Bar, for they went not out of the Court: So in the stead of recovering Damages, I was forc'd to pay Mr. Moyer's Attorney thirteen Pounds and thirteen Shillings Costs; although the Lord Chief Justice had declared, *That all my Declaration was proved except the Malice, and that the taking out the Statute was an undue way of proceeding, and 'twas the Act of the Lords Commissioners of the Great Seal, and not Mr. Moyer's, for, or because*, said he, *what he did was by the Advice of his Counsel*; yet my remedy at Law did lie against the Lords Commissioners of the Great Seal, and them only (or to such like Purposes;) but would not the World think and say, I were Mad if I should go to law with the Judges; and though I have received such a Direction from a Judge, may, or ought not I without offence to consider the

Improbability of Success and the excessive Charge in the Attempt; or perhaps the Judge knowing the unpracticableness thereof, spake it on purpose to take me off from all manner of thoughts for seeking any manner of Remedy; for I do understand 'tis a most hainous Crime to make any Discovery or Complaint of any of the undue Practices in the Law, if it be true as Mr. P. Brunskill hath often told me, That in King Charles the Second's time all the twelve Judges sat together three times, to consult, how by Law they might take away his Life, only for endeavouring to discover and get the Irregular Practices, Abuses and Oppressions in the Practicers of the Law rectify'd and redress'd; but he being a Lawyer was so wise as not to be taken by any stratagem in Law: So afterwards, it seems, one was imployed to assassinate him, who shooting at him miss'd him, but cut the Hair of his Perriwig with the Shot. Now though I am no Lawyer, or do dare to take any of their Counsel in this matter, yet I hope I may without offence, make my Complaint out of the Grave Sir R. B. hath cast me into, and make manifest mine own sad Experience, and therefore cannot hope for any success in suing Judges: For as far as I can perceive, a Man once in Law can never get out, though he be never so innocent, for his Innocency is commonly the cause of his Intanglement, and whiles he is worth a Groat the Practicers in the Law will very hardly part with him, and then the worst of Characters shall not be wanting to be put upon him, by even those that had bin his Counsel, and helped to undo him. I do remember some years since, one Mr. Fowles recovered from me at Common Law the Summ of Two hundred and fifty pounds on a Bill of Exchange, payable forty days after sight to one William Butler or Order; which I had accepted, and delivered to Butler, who gave it to one Job Haddersich, (a vile person, that had bin convicted for Forgery, and stood in the Pillory,) who discounting the time with his old acquaintance Mr. Fowles, by virtue of Butler's Name being endorsed on the back-side of the Bill; which Butler denied, and swore he never wrote with his own hand. Now the Common Law, as I have bin told, requires full and ample Proof by good Testimony; and in regard they had no way to prove the Name was written by Butler's own hand, the Judge did cause him to write his Name in the Court; so then comparing his Name then written with that on the back-side of the Bill, and observing that the Names were not written straight, but both inclining alike upwards, the Judge directed the Jury to find it; so the Jury, without stirring from their place, gave their Verdict against me: 'Tis an old Observation of some, That 'tis natural for a Man that sees but two persons together,

ther, to have an inclination towards the one more than the other; and the Affections of a Man are not always ruled by Reason; and some Men, that have bin but once concerned against a Man as Counsel in a Cause by way of Pleading against him, will never be reconciled to him, though his own Client were never so vile, and made appear so. As for Example; The Judge that Tryed this Cause had bin many years before a Counsel for *Farmer* (that had counterfeited my Stamp or Mark, and changed my Cloth, as hereafter is shew'd) against me that prosecuted him and convicted him in a most manifest manner; for which Fact, as I suppose, he hath looked upon me very severely ever since, and upon all occasions, hath shewed himself inclined against me, as in this Case and the Case of the Statute, when, though he did own that all my Declaration was proved; but the Malice, (which though one would think was sufficiently made manifest by the very Fact;) yet because I did not particularly prove it, mine Adversary was cleared, and I left to pay him Costs; and for my Remedy at Law, by his direction, must Sue the Lord Keepers of the Great Seal, whom he knew very well were Men above my reach; although indeed the Statute was grounded upon only a Debt made by their own Decree; and though almost every Week or Month I was at the charge of making several Motions for the Superfeding the Statute, yet they would not grant a *Superfedeas* for near 12 Months, because they did hope some one or other might come in and joyn to make me a Bankrupt; which, I think, was so cruel and maliciously inhumane in them, that if the King should think fit, undoubtedly they ought to be Fined what they are able to pay, and made Exemplary to all Posterity by some shamefull Punishment, besides for their partiality, cruelty, and malice in Justice, when Judges sitting in the Seat of Justice. Oh! to what an highth of Impiety is the World come to, that under the pretence of being justified, a Man must be utterly ruined by the Law, meerly by wit and ingenuous contrivance! Or, perhaps all these things may be caused by the Infamy cast upon me by *Sir Richard Blackam*: For indeed, if I am so ill a Man as he represented me to the World by his private Whisperings, I do think then that the Judges may very well suppose me to be a Man not worthy to live, and consequently fit to be chastised on all occasions, when ever any Cause of mine should come before them.

Now as I was informed at the time the Commissioners of the Statute of Bankrupts sitting to rear me in pieces, a relation of Mr. *Moyer's* having ran about the *Exchange* to make a most diligent Enquiry amongst all people with whom I had had any manner

of dealings, to find out a Man to joyn with them in the Statute; and finding none, he did exceedingly importune Mr. (now *Sir Richard*) *Blackam* to joyn with them, not knowing what Contracts were betwixt him and me, did often, when he met him, shake his head, hold up his fist, and grin at him for not joyning with them; for he knew very well he was mulled by my Contract and Security given unto him, and could by no means joyn with them, though he might have ever so much mind to it. But however, finding the mischief of a Statute of Bankrupt lying upon me, he became very fearfull and uneasie, and studied all the ways he could to make himself safe, although I had made him so before; and without any regard to his Contract, gave me much trouble with Arrests, &c. as may appear by the Sequel: For he knowing very well, that since my coming into *England*, I had received an abundance of rubbs by Arbitrations and Cheats put upon me, was very fearfull of me, as I suppose, left the Statute of Bankrupt should tear me into pieces, and rend the Security I had given him out of his hands, and so he should become a loser by me, as I do suppose: For when I came first into *England*, before I had bin many months in it, one Mr. *Cary* came to me and demanded the Value of 1864½ Dollars to be paid him by the Order of his Father in the Country; which being a Summ of Money remitted from *Constantinople* by the Honourable *Dudley North*, for the joynt Account of Mr. *Jolliffe* and my Father, unto his Son *John Cary* and myself (Mr. *Foxley* being gone for *England*) at my first Arrival in *Smyrna*, in a Bill of Exchange for 3000 Dollars on a *Jew Merchant* in *Smyrna*, of which 1235½ Dollars being for another's account, he received the whole Summ of 3000 Dollars; and I being Cashier, or Keeper of the Cash, he desired me to Enter the Money in my Cashbook for the said Account, and he would pay it unto me; which I did, but he never paid me, although I asked him so often for it, that he was angry, and asked me, If I thought he would run away with it? So, not liking to be snarl'd at, and for peace and quietness sake, I asked no more for it; but thinking he would pay it me at one time or other, I quite forgot it for about seven years; and then being by Orders from *England* to part and adjust all Accounts: For being quite wearied out with his most unreasonable humour of receiving and concealing from me many Summs of Money from those people of the Country that were our Debtors for our Principal Goods sold them at time; and in his way of living to turn the nights into days, and the days into nights. I thought when Mr. (now *Sir Philip*) *Gell* came over, and had seen his ways, which he also

could not bear with, 'twas high time to acquaint my Father with the intollerableness thereof; and accordingly we wrote joynt Letters to separate us from him, which succeeded; and accordingly having received his Procures upon him, we did with great difficulty adjust Accounts before the Consul, and then I found he had received and concealed from me above Twenty thousand Dollars, which probably I must have lost, in case I had not all along kept mine Accounts exactly with the Debtors: Yet 'twas not possible for me to know of all the Moneys he did receive for Goods he sold unknown to me for Ready-moneys, and gave me no account of, as I have bin informed he did many times; and how much I am damnified, I know not; for if at any time I spake to him of any Matters he did not like should be taken notice of, 'twas as much as my Peace was worth, and was exceeding desirous to be accounted what he was not; neither did he ever discover to me any Summ of Moneys I did not charge him with; and I think I have very good reason to believe, that without all doubt I lost much by him in his seven years unfair and vexatious dealings by me, and scandalizing of me.

Now to make manifest his Inclinations of concealing Moneys from me, I do here shew a true Copy of John Cary's Note given to save me harmless from joyning with him in discharging Mr. Foxley of the Ballance of Mr. Jollife and my Father's joynt Account; and also a Copy of so much of their joynt Letter to Mr. Cary and me as relates thereunto.

A Copy of Mr. Cary's Note is as follows.

Smyrna 8th of April 1669.

Whereas the Worshipfull John Jollife and Benjamin Albyn have Ordered the Assigning over all the Debts, Moneys and Goods formerly consigned to the Hands of Thomas Foxley and John Cary upon the said Thomas Foxley's Return for England, to be delivered to the said John Cary and Benjamin Albyn; of which time at present, not admitting to take a particular Account, I the said John Cary do hereby oblige my self to save harmless the said Benjamin Albyn from any damage whatsoever that may happen from his giving a Discharge in joynt with my self to the said Thomas Foxley for the remaining Effects of the aforesaid Worshipfull John Jollife and Benjamin Albyn, till such time as all Accounts shall be adjusted.

John Cary.

A Copy of a few Lines of Mr. Jollife, and my Fathers joynt Letter follows: *Viz.*

Mr. John Cary and
Mr. Benjamin Albyn.

London 9th of Aug. 1669.

SIRS,

THE aforesaid of the 11th of June is Copy of our last, since which We have received yours of the 8th of April by the General Ships, and one of the 29th of May, also yours, Mr. Cary and Mr. Foxley's of the 8th of April with Account of Sale of 50 Sacks of Pepper and 40 Barrells of Tin, with our Account Current, the Ballance whereof being L. Dollars 8917: 14. We shall expect to be brought to our Credit by yourselves in our next Account, we rest

Your Assured loving Friends,

*John Jollife,
Benjamin Albyn.*

By which Letter I came to know the Ballance of their Account left by Mr. Foxley, else I believe 'twould have bin concealed from me to this day; though, I think, 'tis plain that he well knew the Ballance at the time he gave me the Note above written, and and did utterly deny that he knew when I joynd with him in the Discharge given to Mr. Foxley; for before I did it, I was not a little importunate with them both to know what 'twas; but Cary cowed Foxley so, that he did not dare to displease him by telling me what 'twas.

And though I did faithfully, so far as I knew, help him to adjust his Accounts (for he kept no Books, only some Memorandum's in small bits of loose Papers,) yet he concealed from me the said 1864½ Dollars; and after we had signed and sealed Releasees to each other before the Consul, he did confess to some of his Friends and Confidants, that he did owe me Dollars 1200, or a larger Summ of Money in Dollars which I had forgotten to charge him with, (which doubtless must be another Summ I could not find, besides the 1864½ Dollars;) but he obliging them to Secrecy, I knew nothing of it till some time after his death; and then, with much ado, the Honourable Mr. Dudley North did lay a Sequestration upon his Estate then lying in Constantinople for the recovery thereof, which continued untill such time as his Father here in England did by his Letter enorder his Correspondent to pay the 1864½ Dollars: For indeed 'twas no body but the Honourable Mr. (since Sir) D. North, that discovered to me where that mistake did lie. So when I came home,

Mr. Cary

Mr. Cary pretending great Damages sustained by the Sequestration laid on his Son's Estate, did, by his Son dwelling in *London*, propose to me a Reference, rather than a Law-suit : So he proposing and nominating Mr. *William Jolliffe*, who I thought had been my very good Friend ; I did also refer it to him, without chusing or nominating any other to stand against him, I being but a Stranger, newly come home, and knew not whom to chuse : But it seems I was mistaken ; for in the stead of ordering him to pay me the 1200 Dollars, that his Son *John Cary* had confessed was due from him to me, he awarded me to pay him One hundred pounds ; though he did not think fit to make known to me any manner of reason for his Award, more than that he did it to avoid a Law-suit. So having promised to stand to his Award, I paid the hundred pounds without any manner of delay, immediately ; though I thought it was so very hard and unjust, I could not but advise his Son that took it of me, not to let it go amongst his Father's Estate, lest it should prove a Moth in it ; for I did well know I was much wronged to pay One hundred pounds to him, of whom I ought to have received many hundred pounds at least. After this I happened to deal with Mr. *Moyer's* Cousin *Henry Farmer*, a Packer, for some hundreds of Cloths, which I bought of him, and stamped with mine own Stamp or Mark ; amongst them were some very fine Whites, or undyed Cloths, made of the best *Spanish* Wooll, and were reckoned to be of the finest sort of Cloth made in *England*, so that they were reckoned really worth Twenty-three pounds *per* Cloth as they were White ; which being measured and stamped with mine own Stamp, I ordered them to be sent away to the Dyers to be dyed into the proper Colours for *Turky*, such as I had appointed, so went my way ; and as soon as I was gone, he ordered his Men to carry them up into an upper Room, and there took off my Seals ; and putting other Cloths of about 15 pounds *per* Cloth in the room thereof, stamped them with a counterfeit Seal or Stamp made in imitation of mine : For which Fact, though he was convicted both at Common-Law and Equity, yet I had no manner of Recompence ; but in the stead thereof, though Sir *Robert Sawyer* was my Counsel in the Cause ; yet being Attorney-General, free to take Fees, 'tis supposed that for Money being well Fee'd, he represented him to King *James* as an Object of his Majesty's favour, whereby he obtained a *Noli prosequi*. So that I had not so much as one penny either for my Damages, not only of Eight pounds *per* Cloth, but likewise the defamation and discredit of sending such an inferiour sort of Cloth at the price of the best ; nor had I any thing allowed for my

Charges in prosecuting so notorious a Cheat. After this, one Mr. *W. H.* by some called Dr. *W. H.* that went out with and in the Service of a Noble Peer of this Realm, some years before sent Ambassador to *Constantinople*, whose favour and friendship I did ever highly esteem, since the first time I had the honour of being acquainted with him ; and by his discourse, with great applause of his Lordship, that he was very much in his Lordship's favour, I thought him a very honest Man, and after a little time of acquaintance with me, did pretend a great kindness and respect for me ; and to manifest the same, would needs pretend to help me to a rich Wife, though I told him 'twas a matter I sought not after, neither should I make any *Smithfield* Bargain, neither would I give any account of mine Estate ; and whosoever should marry me, must take me for what I am, and not for what I have : I would only deliver my self an honest Man, free from Women, and free from Debts, and, in point of Marriage, I would not pretend to be worth a groat, neither would I refuse a good offer ; and whilst I was at Law, I did resolve not to seek, and 'twould be very difficult for him ever to bring such a business to pass : But however, he ordered (as I suppose) his Wife to write to me, and in her Letter did desire to let her speak with me ; so going to her, she did recommend to me one *William Butler* for a very honest Man, and a particular acquaintance of her Husbands, the Doctor ; who having two great Matches at his disposal, did appoint me to meet her next day at the *Fountain-Walk* in the *Temple*, where I did meet her accordingly, and she did immediately bring me where he was to talk with him ; who did upon the first sight propose to me the choice of two ; the one a Widow of about 22 years of age, worth about 4000 *l. per Annum* ; and the other a Maid about 18, worth 3000 *l.* and if I would, I might have which I pleased ; but he would have 1000 *l.* for himself : I told him I thought he would deserve it : So, in a little time, I arose and went my way, not much believing him ; but the good Woman following me, told me how able and honest a Man he was, and not to be slighted, for he could effect and accomplish any thing he undertook : So telling her I should be glad to be better acquainted with him, he soon came to me at my Lodging in *Mark Lane* ; I think indeed the very next night ; and so continued importuning me for near a month together. I told him, that while I were troubled at Law, I should not think of Marriage, and how that there was a Statute of Bankrupt against me ; and therefore 'twas impossible any such thing could be ; for I would not deceive or bring any Woman into trouble : then said he :

he to me, *'Tis no matter, the Maid is my Kinswoman, and so he could easily make the Match, for she desired to marry a Merchant:* then said I, *A Woman of that Fortune could not want much better proffers, and doubtless needs not your assistance to help her to an Husband;* so desired him not to trouble me with such unpracticable things; for if it were true as he said, I should undo all that he should do in the matter if ever I came to see her, for I should certainly tell her of the Statute of Bankrupt, and no Woman would be so mad as to marry a Man in such circumstances: Then he swore, that in case I would but give him security for 1000 pounds to be paid him after my Marriage to her, he would effect the Match, notwithstanding all that I should say to her. And thus having importuned me for about a month, and considering the great infamy and base oppression I did lie under with the Statute of Bankrupt, I thought I ought not to reject the proffer of so seasonable a Relief; and thereupon I offered to give him my Bond; but that he refused, saying, That the condition of the Bond would destroy it; but desired me to accept of four Bills of Exchange, payable forty days after sight for two hundred and fifty pounds each; to which I replied, That a Bill of Exchange accepted, would be stronger upon me than a Bond; but I would consider of it: So I went to Counsel, and asked him if he could draw out such a Defeazance as would save me harmless from a Bill of Exchange accepted: he told me yes; so I gave him his Fee to do it forthwith very well and secure; so after three day's time he gave me a rough draft, leaving blanks for the Names. So the said Butler writing out a fair Copy thereof, and putting in the Names, did sign it and seal it in the presence of two Witnesses, and delivered it to me as his Act and Deed; and then shewing me the four Bills he had provided, he desired me to accept of one only, which I did; for as he in a most insinuating manner pretended and said 'twas only to satisfy the Lady's Steward, who was to have the one half of the Money, that so he might not be in doubt; as for his own part, he desired no Security, he was well satisfied, and doubted not of any thing but the Steward must be satisfied before he could shew me the Lady; and in a day or two after, according to his desire, I did accept of another; and the other two *Job Hadderfich* forged mine acceptance unto; for the one whereof he was indicted and convicted at the *Old-Bailey*, and accordingly stood in the Pillory at *Charing-Cross*; and though he hath not paid his Fine of forty Mark to the King, according to the Sentence, yet he hath the liberty of going abroad in the best of Apparel, and cheated many others since of

very considerable Sums of Moneys and Goods; and I by no means can obtain an Hearing at the Exchequer-Barr for the recovery of 250*l.* which he confessed he had received with rebate of one Mr. *Fowles* (his old acquaintance) upon one of the Bills of Exchange that I had accepted, and still cheats me of. And since the Cause hath bin heard betwixt Mr. *Fowles* and me (without *Hadderfich* that could not be found to be served with a *Subpoena ad audiendum judicium*, though a Prisoner in Execution for Debt;) upon opening the Cause, one of the Barons was pleased to say, That here are two to be cheated; and he had rather *Allyn* should be cheated than *Fowles*; and another Baron that perus'd, corrected and sign'd my Bill against them both in the Exchequer, whereby to be relieved against the Fraud, then said at the Hearing, *I had no Equity*; though when I gave him his Counsel-Fee at signing, being above the rate the Law allows, I had a great deal of Equity. Now by no means can I obtain an Hearing of the Cause against *Hadderfich*, who did fraudulently get and still keeps my Right to the said 250*l.* from me; so it seems a Counsel, whiles a Counsel, to get a Fee, will tell his Client he hath Equity in his Cause; but when made a Baron, the Equity ceaseth, though his Client be injured never so apparently by a most notorious Cheat, who confesseth to have the Money, and yet goes free without being called to Judgment; and though my Bill be still depending, he is protected, and I can by no means obtain Justice in so plain a case; which is stupendious to think how in *England* a Court of Equity should protect such a notorious Cheat; I do believe the like is not in any other part of the World; which, doubtless, must be a great encouragement to Cheats, and looks as if the Laws were made only for the Practisers therein to enrich and raise themselves in the World, and not for Righting the People; and that such Cheats were to be encouraged as persons that brought Grist to the Lawyer's Mill. Now in *Turky*, where any Difference doth happen betwixt Man and Man, the Man aggrieved may immediately call, and have him that offends before the Caddee or Judge, and without any delay both Plaintiff and Defendant plead their Cause themselves; and, according to their Laws, the Caddee passeth Sentence, which is immediately executed, and the Matter ended, both parties become friends; and no provocations make the *Turks* live in Malice, as generally people do here in *England*, who I do believe use it more than all the World besides; partly, because here are so many whole business is to set people at variance, by telling them what advantage one may have of the other by the force of Law; partly, because generally the people do highly commend the

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envious and malicious Spirit, and call it a great Spirit; though if duely considered, I think nothing is more base, and less worthy of respect, and is indeed the effect of Purse pride: For what is more common than for people that have more Money than their Adversary to say as Mr. *Moyer's* Brother-in-Law did say after we had spent some years and much Moneys in his Suit against me in Chancery, he being to receive his share of what they hoped to get from me, said thus (finding it a very chargeable Court) *If One thousand pounds would not do, another thousand should; and if that did not do another should;* and so on, to I know not how many thousand pounds, and he was resolved his Brother *Moyer* should carry the Cause whatsoever it cost; so it seems he did not pretend to any Right there was in the Cause on their side, but only to ruine me by the force of Money, as I was told Mr. *Moyer* did threaten to do when I was in *Turky*, if ever I should come into *England*; which, to effect, I do think he hath omitted no means or endeavours; but what reason he had for it, I could never learn or find out; for I never had to do with, or did ever see the Man in mine whole life, that I know of, untill I did arrive from *Turky* back to *England*. Sometimes I have thought, that because my Father sometimes would laugh and jest with his Father, and salute him by the Title of *Mr. Chairman*; because that in the time of Sequestering (as I suppose) the Estates of the Nobility and Gentry of *England*, much about King *Charles* the First's time he was Chairman of that Committee, as I have heard and have bin told; but I do remember the Old Man did not much like it, for he would look very grum and fowre upon it. Now though such jesting might pass betwixt them, what was that to me? could I help it? Now Mr. *Moyer* having (as it may be supposed) this innate principle of encroaching upon and taking away the Rights and Estates of other Men, obtained an Order out of Chancery to have my Books laid open unto him; and having before a Master perused and examined my Books in all things he could desire, and not being able to find out any thing therein for his purpose, or find any fault, became so enraged at me, that he said, *Mr. Albyn, you are a cheating Knave, and Ile prove it*: Then said I, *Bear witness, Gentlemen*: So the next day he came to me upon the *Exchange*, and told me he was in a Passion, and began to beg my Pardon; but all that I said unto him, was, *Pray do not, let you and I talk*; for I indeed did then intend to bring mine Action against him for so notorious an Abuse: But the Lawyers that were the Only Men then present, being unwilling to bear Testimony, made me to forbear; so was forced to swallow that Injury likewise.

One instance more of Moneys, being the Rich man's Justice and Confidence in his Cause, be it never so bad, black and foul, is what Mr. (now Sir *Richard*) *Blackam* said to me in *Serjeants Inn*, after we came out of Judge *Dalbin's* Chamber, when we had bin both before him upon his Summons, to shew Cause of Action wherefore he had Arrested me? and upon hearing the whole Matter, the Judge had told him there was no Cause of Action; and if he went on, he would be Non-suited: Sir *Richard Blackam* did then laugh at me, and told me that he had yet Five hundred pounds to spend for all that; for so much or near that Summ he would needs pretend to recover of me; for I believe he knows pretty well, that whatever a Man recovers at Law, it must cost him as much at least. Now whereas by the ingenuity of the Lawyers, Sir *Richard Blackam* is hindered from confessing and plainly setting forth the truth and matter of fact set forth in my Bill; if he were of himself only to make a full and true Answer, the Truth would soon appear, and Justice would take its due place without any delay, trouble or expence: But now there is no Remedy, because by the force of Money he sets the Lawyers Wits on work to make it an endless Suit, by evading some part, and not in any measure answering the other near $\frac{1}{100}$ th parts; only in general terms saith, *My Bill is full of falsities*: Which I do deny; and he knows, that if he should be put to answer particular by particular, he must confess, and not deny the particulars; and by such means the truth being concealed, I have no more remedy than as if I should knock mine head against the Wall. Now though these and the like, and many more instances, are too too frequent, yet it seems rather impudence, and a bidding defiance to the Law and Justice of the Nation; which indeed ought rather to be punished than countenanced, as being no less than scandalizing the Government to the highest degree: For what is or can be more abominable than Injustice obtained by Bribery and extravagant Fees in the eyes both of God and Man; and whereas the Throne is established by Righteousness and Justice, so the contrary must needs undermine and subvert it; for the Law is impartial, and Justice can do no wrong, and, without doubt, was designed for the Poor as well as the Rich, without any respect of persons.

I do remember one time, talking with Mr. (before he was Sir *Richard*) *Blackam*, telling him freely and friendly what hard measure I met with in the World; (for to my face I never had any unkind words, but very fair;) I did then tell him how that some persons had told me they had heard I was too honest to live in the World; he did then laugh at me, and reply,

reply, saying, *That is not well, and 'tis no Commendation*: And since that I was informed by Mr. Freeman, that Mr. Richard Nicholl had told him, that Mr. Blackam (now Sir Richard) had declared to him as bad an Opinion of me as 'tis possible for one man to have of another; but I could never be informed what that was, or why he should so comprehensively blast my Reputation: I do not remember, that in all my dealings with him, for near Ten years together, I had any manner of dispute with him, or any unkindness from him, before the Statute of Bankrupt was taken out against me: But how long he hath bin whispering away and blasting my Reputation, I know not; if he had killed me in the stead of so doing, I do think 'twould have bin much less prejudice to me, and my troubles would have bin at an end; but now I am as one buried alive, which is far worse than death: And indeed I cannot but take it much worse from him than from another, thus to bury me alive; because at my first coming over into England, he did with great obsequiousness and pretensions of honesty and much diligence, kindness and fair promises, deal justly and truly by me, as I thought, (though now must think I was mistaken exceeding much,) and thereupon I did for about Ten years together duely and truly pay him for his Goods and his Work, without making him any undue Abatements by Arguments or Disputes. But now so it is, that Mr. Moyer, upon the Revolution of Government, having brought his Bill of Review as aforesaid, and thereupon mine intentions being to appear no more in Trade, and Sir Richard Blackam coming to me to desire me to take off his hands One or two hundred of his Cloths, telling me, 'Twould be a great kindness to him, and no prejudice, but a benefit to me; because he having great quantities of Cloth lying upon his hands, was forced to send seven or eight Hundred of them to Holland, and had still remaining upon his hands 1300 Cloths; and the Ships for Turkey being near full, he had but little hopes of putting them off by those Ships; then I told him that I had no intention to be concerned that year in the Turkey Shipping; but he not being content, or willing to be so answered, told me, That it would be no prejudice to me, but a great benefit; for if I would but take them, I should have them 20s. per Cloth cheaper than those of the same Sorts he had sold to other Men for Ready-money above a year before, and that I should pay him for them at my conveniency, by degrees, and he would never trouble me for Moneys; but I desired to be excused, I was not willing to meddle: but however, he would not rest so satisfy'd, and for many days did so importune me, that at last, considering I had some Pipes

of Canary-wine which lay on mine hands, and some Jars of Oyl which I had bought of him some years before with Ready-moneys, and could by no means put off without great disadvantage;) I told him I would take 100 or 150 of his Cloths on the terms he had proposed, if he would take them: To which, though at first he seemed unwilling, yet soon after he accepted thereof; and accordingly we came to a conclusion; and I desired to have our agreement put into writing; but he objected, saying, *The World would wonder, because to sell Goods without a limitation of time for payment was not usual*: So afterwards, as he pretended only for Mortality's sake, did desire in writing it might be expressed for the first hundred Cloths I should pay him One hundred pounds per Month after the Ships departure from England, and the rest at the return of the Ships; and that was only for Executors to know how to demand their Moneys if he should dye; but if he lived, the bargain should be as was agreed, and that he would never trouble me for Money; and for the confirmation of that agreement, and to oblige him to be so punctual as never to trouble me for Money, I did voluntarily, of mine own accord, offer to allow him Ten per Cent. on the prime Cost of the last 100 Cloths; which he accordingly accepted of, and afterwards charged to mine Account: So thinking him to be a Man of his Word, I consented: And I measured his Cloths, and sent them to be Dyed in great haste; for the Ships began to be falling down the River in order to their Voyage, being near full; and as soon as the first part of them was gotten ready, I was forc'd to hire an Hoy to carry them to the Downes where the Ships were; and what was not then ready, I thought to had quitted, and not medled with; for so was mine agreement, that if I could not Ship them, I was not to have them; but however, Sir Richard Blackam was so diligent as to get the rest ready to be Shipped soon after my Return from the Downes; and then the Ships being at Portsmouth, we freighted an Hoy thither; and having laden the rest on Board her, we took Post to Portsmouth, where we met the Hoy, and laded them on Board the several Ships. So I having staid there till the Ships sailed thence, I then went to Southampton, where I took Post for London, where, when I was come, Sir Richard Blackam came to me next morning, and told me my Decree in Chancery against Mr. Moyer was Reversed. At which news, being very much surprized, I went to make enquiry, and found it to be true, and the Effects thereof very troublesome from Sir Richard Blackam; for he was not only extreamly diligent to get his 100l. per Month with the Wine and the Oyl, but also did frequently pretend to have very urgent Occasions

casions for Moneys; sometimes for 250 *l.* or 300 *l.* and sometimes for 500 *l.* So many times at the *Exchange*, when he met me, would in a fair plausible way come to me with fair words and entreaties, telling me how extremely prejudicial the want of such Summs would be unto him, in case he were not supplied, and how it could be no manner of prejudice to me to give him a Note under mine hand for so much payable to him or Order three months after date, he saving me harmless by giving me a Note under his hand to take up the Note, and satisfy it himself, without troubling me therewith; and with my Note he could go into *Lombard-street*, and discounting the time, he could be immediately supplied with the Money. So considering with myself, that I was more considerably indebted to him than any one of those Summs, (as he was not wanting to put me in mind,) and I thinking it might be great service to him, and no prejudice to me, I did readily and frequently gratify his Desires, and give him such Notes, and taking his Receipts and Acknowledgments as Securities to save me harmless, I did supply him to the Value of I know not how many Thousand pounds.

A True Copy of One of his Receipts and Acknowledgment, is as follows:

Whereas I the under-written Richard Blackam have, for my conveniency, taken of Benjamin Albyn sundry Notes, as one for Three hundred pounds, and other two for Five hundred pounds, under his hand, made payable at sundry times: I do promise hereby to take no advantage thereof, but to take them up and cancel them my self, without troubling him therewith. Witness mine Hand this 20th Day of Novemb. 1696. The like I do promise for another Bill of Five hundred pounds, payable Three Months hence.

Richard Blackam,

Thus I served his Occasions, perhaps much better than if he had taken up so much Money at Interest, which would had required good Security besides his own; which to do, would had called his Credit in question. Now these Services being done only out of kindness and pure friendship, and not on account of debt, I kept no account of them, thinking his Receipts a sufficient barr and acknowledgment upon what account those Notes were given; and the Clothes I did owe him for, being in all 220, were a sufficient security against any one of my Notes given, in case he should offer to put it into practice the making me to pay any one of them, as indeed he did begin to do, by sending Mr. Williams the Goldsmith with one of my Notes for 300 *l.* to demand payment thereof;

Whereupon I told his Man that came with it to me, That I would come to his Master's house and satisfy him about it: So I went to his house, and shewed him Sir Richard Blackam's Receipt and Acknowledgment upon what account it was given; when he had read it, he said, *That was nothing to him, he would have his Money*, having paid it to him the said Sir Richard Blackam, and did afterwards Arrest me twice upon it by the Order of Sir Richard Blackam, as Sir Richard Blackam hath confessed, and told me since; particularly one time upon the *Exchange*, when he thought Mr. Freeman had adjusted and settled all Matters betwixt us as he would have them; and nothing more remained to be done, but Signing and Sealing a Writing to him; which he did not doubt to make me do by his wheedling Art of persuasion, before he delivered up unto me that and the rest of the said Notes upon Oath, according to the Award of Mr. John Freeman, to whom all our Differences were referred on that condition; for unless he should deliver them all up upon Oath, 'tis not possible for me to be safe or secure from the wheedling humour of the said Sir Richard Blackam; for untill Mr. Freeman had promised me he should do that, I could by no means think of submitting to Mr. Freeman's unreasonable Award, for me to pay to Sir Richard Blackam Three hundred and eighty pounds, instead of receiving of him 1018 *l.* for so I call it; because when I asked him the reason of it, he told me he could not tell; but so 'tis, and he could do no otherwise. And afterwards, to justify Sir Richard Blackam's Arrests and ill Dealings by me, and his own Award, told me, That if I were in Mr. Blackam's Clothes, I would do the same things that he did. So it seems Sir Richard Blackam doth wear Clothes to justify them both; and not only to justify the Award, but also all his black Works and Deeds, whatsoever; inasmuch, that although I had made choice of Mr. Freeman for my Referee against Mr. (since Sir Alexander) Rigbey, a Referee for Sir Richard Blackam, who went off without effecting any thing in the Matters, being by Sir Richard held up so very thytly to his own Will; and then Sir Richard pretending to leave all to Mr. Freeman singly and alone, he did so far insinuate himself into Mr. Freeman, that Mr. Freeman regarded me not; inasmuch that when I spake to him any thing that made for me, and was highly material in my Case, he would tell me, *I do not mind that*; and at other times, *I do not regard that*; and if at any time I shewed him in Writing any thing that made for me, as I thought, he would tell me it made against me: As particularly one time meeting him upon the *Exchange*, I desired him to look upon a Writing I had

in my Pocket, which I thought was materially for me: So he went with me, and sat down on the North-west Corner of the Bench on the *Exchange*, and plucking my Jeldan or Letter-case out of my Pocket, I took thence a Paper, where inclosed were sundry Writings, particularly Sir *Richard Blackam's* Receipts for the several Notes for the several Sums of Money as aforesaid, and some other Writings; and amongst them, the Writing to be shewed Mr. *Freeman*, which I took out and gave into the hand of Mr. *Freeman* for his perusal, and laid the rest down upon the Bench in the corner where we sat. When he had read it, he told me it made against me; at which I was so stunn'd and grieved to see him so wholly bent against me, that talking with him about it, we arose to walk there, and I quite forgot to take up my Papers, but left them behind me, and could hear no more of them for about two years time; and then being as it were upon a conclusion of all matters, according to Sir *Richard Blackam's* mind, as he thought; for Mr. *Freeman* would fain had be-fooled and perswaded me to take Sir *Richard Blackam's* Bond instead of my Notes; but I told him his Bond could signifie nothing without a Law-suit; and unless I could in all Points be cleared from Sir *Richard Blackam*, I would not part with my Right which he had Awarded away from me to him; and I insisting upon Sir *Richard Blackam's* delivering up all mine aforesaid Notes upon Oath for the want of those his Receipts; then Sir *Richard B.* produced the Man that found them, and took them up off the place where I left them, who by his Order did bring them along with him, and so I did get them again; but whether I have received all that I left behind me, I cannot possibly tell; there may be many wanting, for all that I know; but I find Sir *Richard Blackam's* Name torn out of several of them; so what he and the Broker that took them up have done together, I know not; for the Broker never gave me any manner of notice of them untill the very moment he produced them by the Order of Sir *Richard Blackam*, neither would Sir *Richard* suffer him to deliver them to me before he had with Pen, Ink and Paper taken a particular account of all the several Writings; which I thought was very odd and unreasonable (Mr. *Freeman* the Referee being by) for him to take an account of my Papers. And though he had and still hath all the Notes aforesaid, to the import of I know not how many Thousand pounds upon kindness only; yet to secure unto him what was due from me, I did voluntarily deliver and endorse unto him Bills of Lading for as much Silk and *Grogoram*-Yarn as would had produced full payment to him of what I owed him, besides an

overplus of 1018 pounds to be returned to me, in case he had, according to our agreement, kept, and not sold them without my privity, knowledge and consent; for by mine agreement with him, he was not to sell any part of them without my privity, knowledge and consent, and on that condition only 'twas that I did indorse and deliver to him the said Bills of Lading; and in case he had kept my Goods but a few months, as I would have had them kept, (he being by the said agreement to be allowed Interest for his Money from the time that they were landed in his possession, till the time they were sold;) but however, whether I would or no, he sold my Silk at 17 s. 6 d. per Pound, which might have bin afterwards sold for 40 s. per Pound; and my *Grogoram*-Yarn, which he sold for 3 s. 6 d. per Pound, might have bin sold at 8 s. per Pound, for so was the Price current of both Silk and Yarn of the like quality in few months after: And then when I came to enquire for my Goods to be disposed of and sold at the highth of the Market, behold my Goods were gone, and sold many months before unknown to me. And then having demanded an Account thereof, he drew out a most extravagant and exorbitant Account, wherein he brought me in still his Debtor above 500, near 600 pounds; for which Moneys, after he had Arrested and given me so much trouble, as to force me to a Reference, and though I did submit to a most severe Award (which I could never yet be informed any reason for,) and endeavoured all I could to make an end with him; yea, I ordered some Goods into Mr. *Freeman* the Referee's hands, that out of them he might be secure and take his full satisfaction; yet he would not make an end, but keeps all my Notes for the several Sums of Moneys, amounting to I know not how many Thousand pounds, though one penny of that Money is not in any way due from me: (Oh, let all Men beware of the Man that saith his Name is *black am.*) About twelve or fifteen Months since, Mr. *Freeman* did most shamefully dunn and importune me to make an end with Sir *Richard Blackam*, as he had Awarded, though he very well knew that Sir *Richard Blackam* had refused to do his part of the Award: At last I did freely tell Mr. *Freeman*, that he could not hurt me beyond what the Providence of God will permit; he did thereupon laugh at me, and reddening in his countenance, went his way, and, I suppose, advised Sir *Richard Blackam* to prefer his Bill against me and himself in the Lord Mayor's Court, to get my Goods now lying in his hands; for in three or four days after I had notice sent me to answer Sir *Richard Blackam's* Bill; so as soon as I could get a Copy thereof, I delayed not to draw out mine Answer; which being

being ready to be carried in within the eight days time allowed by the Court, and being advised to prefer a Cross-bill against him and Mr. Freeman, 'twas thought most convenient for me to defer putting in mine Answer till they had answered my Bill; so though my Bill was filed 4th February 1695, yet could by no means get one word of answer from either of them untill the 13th of July following; and then Mr. Freeman, after many Endeavours of the Officer for carrying him to Prison, did put in an insufficient Answer; and then importuning Sir Richard for his Answer, Sir Richard moved the Court that mine Answer might be first put in, before his, because his Bill was first preferred: So, as soon as I was informed the Court had order'd it should be so, I delayed not, but on the 23d of July last did put it in accordingly; though Sir Richard delayed putting in his till the 10th of September following; and then he put in such an insufficient and evasive Answer, that so much as the 20th part of my Bill I believe is not answered; and though Exceptions were made to both their Answers, yet mine Attorney would not File them: And because I have given a full Answer to Sir R. B. his Bill, the Court, without hearing one word of my Case, upon the Attorney's Report that mine Answer was too long, hath Fined me 4*l.* 10*s.* 2*d.* And as soon as I was served with the Order of Court, I went and asked mine Attorney why, and by what Law I was Fined, for I would obey the Laws? Then he told me, If I would give him a Fee, he would give me his Advice; but he knew no Statute for it: Then telling him, I would stand by every syllable of mine Answer, I went my way. So next day an Attachment being taken out against me, I was forc'd to pay the Officer above Five pounds. What Righteousness there is in these practices, I know not! But doubtless the Gally-Slaves in Turkey are much happier; and I think, if I were there, I would not come for England to be so harrassed and abused as I have bin since my return into it.

Now for me to enumerate the manifold Grievances I have bin oppressed with, and do still sustain by the means and excessive malice of these three Men, would be too tedious and voluminous to set forth: Therefore mine humble Petition and great Request is, That Right may be done as to what is herein set forth. And that I may not be devoured by the taking the due Course of Law, which now is so very expensive, that in my sixteen years little experience, I find, and must needs say, That the most prudent and frugal part is to lose and be stript of all, rather than seek my Right by Law; for 'tis apparent that the tricks by Delays, Motions, Hearings and Rehearings, Orders, Exceptions, examining Witnesses,

great Fees and refreshing Fees, and the payment of Solicitors and Attorneys Bills have amounted to far more than what could thereby be recovered; although I think I never retained more Counsel, or fee'd them with more or greater Fees than what my Solicitor told me was necessary, and have sometimes had the Attorneys Bills taxed according to Law, as was pretended; yet some after the taxing have told me, that by the strict Rules of the Law, one tenth part of what charged therein could not be due unto them; and for what really laid out, I generally deposited in their hands; *for the Practicers in the Law are generally so wise, as not to trust their Clients, nor to go to Law one with the other.* I do not remember that in near sixteen years time that I have bin harrassed and tormented at Law, *that I did ever see or hear of two Lawyers dispute their own Right at the Law,* neither is there any reason to expect to hear of such a thing; for doubtless the Laws are plain, and a Cause truly stated must needs appear by the Law at the very first time, as well as at the thousandth time to be either in the right or in the wrong: but the great Virtue of a good and able Lawyer is to make a bad Cause good, and a good Cause bad. But is it not a marvellous thing to see how in other Countries, without Lawyers, people can live and enjoy their own peaceably and quietly without imbroils? And here in England, if a Man have any thing, that then he must either undoe others, or be undone himself by the Law; And that the Laws designed for the good and welfare of the People, should be so managed, as to become their utter ruine and destruction. "Now whereas in the time of the *Fle-* then Roman Empire, St. Paul had so much Justice, Favour and Reason used towards him, as to be allowed the liberty of Speaking without hindrance, so as to be heard in whatsoever he could say in making his own Defence for himself: And now here in England, the Lawyers have a method of understanding one another, for favouring a Cause on the one side, and baffling it on the other side, by saying, *This is not to the Point, and That is not to the Point;* and also, by calling it the Practice of the Court to Fine a Man for setting forth the whole truth, although it be never so much to the purpose of clearing the Case on both sides, which cannot rightly be understood without. And whereas a Bill in Chancery, preferred by one Man against another, is no less than one man's Accusation of another; who being to answer upon Oath, is therein to make his Defence. I do most humbly pray, that all such unreasonable and lawless Practices, being without Statutes, may be forborn; And that in this my Case, mine Answer, filed in the Lord

" Mayor's Court, the 23d of July 1696, may stand without a Fine; and upon hearing of the Cause, all parts thereof may be heard, justly and duely weighed and considered." And that Sir Richard Blackam and Mr. John Freeman may fully and truly answer upon their corporal Oaths every Word, or at least each Paragraph in my Cross-bill preferred against them, without Evasion or Equivocation, by the help of Lawyers, that so the truth of all matters depending betwixt me and them may be made manifest; and the Right and Truth being fully understood, Justice may be done accordingly. For though by the Law I had undeniably a good Action for great Damages, yet by the force of Mr. Moyer's Money the Law could not prevail: So it seems, the Law is so much to be managed and byassed by Money, that it can by no means Right any Man that hath it not, or at most but in proportion to the quantity he hath to bestow. For I do remember, the first time my Counsel moved the Lords Commissioners of the Great Seal for a *Superfedeas* to set aside Mr. Moyer's Statute of Bankrupt, most unjustly and unduely taken out against me, Mr. Moyer's Counsel did alledge that Mr. Moyer was worth the best part of One hundred thousand pounds; so they ordered the Statute to go on, notwithstanding all the Allegations and the undeniable Arguments my Counsel could use; whereupon my Counsel said *at their peril let them go on*; upon which Caution, I think, they went on no farther, although they would not grant a *Superfedeas*, but continued the Statute many months after; and by their means Mr. Moyer did most wrongfully continue the Statute upon me near twelve months. Doubtless God Almighty in his Law hath directed other things contrary, and in no case allows partiality; and hath given every Man his own tongue to speak for himself, though now the Lawyers here in England have brought the People to that pass, that they by no means must be allowed to speak for themselves, or can hardly say their Souls are their own; nay, I know some of them will not allow that any Man but a Lawyer can speak Reason or Sense, unless he be very rich, and then he is wise and every thing else. So now, since nothing can resist the forceable Power of Money, but the Personal Authority and Word of the King's most Excellent Majesty, God's Vicegerent; I have therefore thought it highly necessary, and the only expedient left me, to throw my Self, Life, and mine All, at His Majesty's Feet, whose Just Power and Prerogative alone can, and I doubt not but will, do me Justice. And therefore, as I have presumed so far to assume the Right of a Loyal Subject herein, to represent the Truth of mine Unparalleld Grievances, by no means to be Redref-

sed by Law or by Parliaments, though endeavoured for sundry years last past. I do adventure to mention one Grievance more, because I do look upon it encouraged and caused merely by the want of Redress in my former Grievances; for as yet not being gotten out of the Grave of Infamy, dug so deep by Sir Richard Blackam, that cannot yet find its bottom. One William Mann Esq; the City of London's Sword-bearer, doth think fit to keep that from me, which God in his Providence, by the Rules of the Law, hath made to be mine; for he knowing and finding, that by the Law I can have no Right done for me, without an expence of as much, or perhaps double the value of the thing I should any time offer to Sue for, refuseth to do only the common part of an honest Man, which is only to deliver up unto me the Writings of a small Estate that he himself told me I was Heir unto by Law, upon the Death of my Sister, his fifth Wife; who did also leave me a Legacy of 200 L. to be paid me within two years after her decease; but he will part with neither; because for peace and quietness sake, and to avoid a Law-suit, and to lay a foundation for Friendship with him if possibly I could: I say, for the said Considerations, I did, upon his importunity, rather than have words of difference with him, come to an agreement with him for the whole; and upon a small consideration did make him an abatement of 352 L. and accordingly I endeavoured to make an end with him; but he finding no Right to be had for me at Law in any case, hath put a stop to all; and saith he will spend Fifteen hundred pounds, but he will have what by Law is my Right from me, though the whole matter is worth but 862 pounds. So he having wheedled with, and given great Entertainments to the Trustee and other Friends that I had desired to endeavour to perswade him to do the reasonable and just Things according to agreement, did, on the contrary, prevail with them to assist him to over-reach and circumvent me; and to tell me, that I was without any remedy both in Law and Equity; and that he being the Sword-bearer, would, upon all occasions, find more favour in a Court of Justice than I should. Can there be a greater aspersions upon the Government, than to say their Courts of Justice do distribute Justice according to the respect they have for persons in Office, or otherwise, more than others? (I am sorry to see any one should have cause to think or speak such a word.) They also would needs perswade me to leave it to them: Whereupon, being professed Friends in an extraordinary manner, the one being my Brother-in-Law, and the other having all along before that time pretended to tell me how unreasonable and unjust my Brother Mann's dealings in the World both with

with me and others had bin; I did tell them thus: Let the Case be truly stated and carried to two of the most Eminent, learned and able Counsel for their Opinions both in Law and Equity, and to have the Opinions clear, without interruption, by talking with them: I did desire we might all meet together, and I would give to each of them a true Copy of the Case *verbatim*, with the same Words, in two distinct Papers, and at one and the same time to go from me separately, the one to the one Counsel, and the other to the other; and without mentioning one word of the Case, deliver to each Counsel the Case in the Paper, and not to meet one another untill they did come again to me, I would then (if Counsel should advise that I had no remedy, as they had said) refer it to them; but in the stead of so doing, they did not meet me together, or could I ever after see them together, since the time I made my proposition of terms for the Reference they had desired of me to be left unto them: but on the contrary, not finding them in some days, I did, to lose no more time, send one with the Case that knew nothing of the matter to Mr. Serjeant *Levine*, who gave his Opinion subscribed to the Case; and then Mr. *Brome* (not knowing Advice had bin taken upon it) sent to me for a State of the Case; so I sent him the Original Draft thereof, which he before had seen, and said was so truly stated, that there was not a word to be added to, or be taken from it: But Brother *Noyes* not being to be found, I sent him another Copy, with Copy of the Serjeant *Levine* his Opinion; so the next day Mr. *Brome* and he meeting together, consulted which way to make void Serjeant *Levine* his Opinion; so went to Mr. Serjeant *Pemberton*, and representing to him different things upon the Case; in their talk with him, did get him to subscribe an Opinion seemingly different, but not contrary, as they fancied: And then they went to Serjeant *Levine*, and told him he was mistaken in his Opinion; and thence went to Brother *Mann*'s House, and to the Tavern, and drew up their Award according to his mind, which they signed and left with him. Next day Mr. *Brome* came and told me, how they had made an end, and had bin with two Counsel, and a long Story how Serjeant *Levine* had owned himself mistaken, but shewed me nothing that had bin written by any of the Counsel; and Brother *Noyes* went away that morning out of Town without seeing me, from the time they first proposed to have the Reference, and thinks by that means to bind me with the Award, notwithstanding he acted contrary to what was proposed, and, as some that are learned in the Law did say, was very knavish, and is of no force.

A True Copy of the State of the Case, with both the Serjeant's Opinions, and the Award signed, is as follows.

The Case betwixt A. and B.

A. having a Widow Sister, who by surviving her first Husband, became seized in the Fee-simple of the two Estates in Lands, Houses and Tenements, the one Estate being valued at 250 l. per Ann. she did, according to Agreement, before Marriage with her second Husband, settle upon him and his Heirs, for ever, all the Estate of 250 l. per Ann. upon Condition, that he should pay off the Summ of 2000 l. Debts due upon that Estate, and she have the liberty, after Marriage, to give and bequeath the Summ of 2000 l. amongst her Friends, to be paid them within two Years after her decease, to be levied out of the said Estate of 250 l. per Ann. as by the said Deed more particularly appears in the Hands of the Trustee: the other Estate being but two Houses and a Stable, with Ten Acres of Land, reckoned worth 31 l. per Ann. She also reserved to herself, at her own disposal, without ever interesting or concerning her Husband therein. About two Years and twenty-two Days since A. his said Sister died, and by Deed, according to Marriage-Covenants, gave away but 1800 l. of the 2000 l. by reason she had prevailed with her second Husband B. to put 200 l. for her Life into the Million-Lottery. Now B. her second Husband having extreemly importuned her to make over to him the other Estate of 31 l. per Ann. had gotten Writings drawn, and accordingly did, about Ten of the Clock at Night, shew them unto her; which did so much trouble her, that soon after she was in Bed, 'tis supposed she died, because next Morning she was found dead, and her Corps almost quite cold; and indeed, was the occasion of once breaking off the Match. But however B. the second Husband comes to A. the deceased's Brother, and tells him that he is Heir at Law to the Estate of 31 l. per Ann. and if his Sister had lived but two Days longer, she would had made them over to him; and did not doubt but he would accomplish the thing his Sister had intended to doe, because he knew him to be a just Man; and withall told him, That if he would be so kind, he would give him a hundred Guineys; but A. not complying, desired B. to deliver unto him the Writings belonging to the said Estate; but B. replied, He would not part with them; but having Possession, 'twas 11 Points of the Law, and he had Children and Grand Children to provide for. Hereupon A. Files a Bill against B. in the High Court of Chancery; then B. comes to A. knowing him to be a Man that would suffer much, rather than be troubled with a Law-suit, and pretends what disreputation

perdition would be unto him to part with the said Estate, and would therefore give him rather more than the full value thereof in Money for it: Hereupon A. enters into a Treaty with him about the Estate and the 200l. Legacy, left him by his Sister; then B. pretending that the Estate was but of small value, the Houses being old, must be plucked down and re-built; and the Ten Acres of Land being lett out upon Three Leases, could not be worth above 40l. A. replied, That 500l. had bin refused for the Houses, and the Land was worth 100l. more, as he had bin informed: Then B. replied, God forbid he should doe any wrong; and A. was mis-informed, and what B. had said was very true, and therefore A. must not expect such a Price for them: Then A. desired to have his Writings, and to talk no more of it; but B. would not hear of that, but with much peevishness said, He would this, and he would not doe that without any fair reasoning; and being very vexatious and troublesome to A. A. did contrive an expedient, as he thought, to end all Matters without Controversie; and at next meeting did propose to B. as followeth: I said A. am but a single Man, and you'll put no more into the Pot or upon the Spit for me; so if you will you shall find me with Dyet during my Life: Then said B. With all mine heart; and clapping his hand into A. his hand, said, It shall be put into the Writings: To which A. agreed, and then went on to make his Proposition, and said, 200l. was left as a Legacy, 500l. had bin offered and refused for the Houses, that was 700l. and the Ten Acres of Land is worth 100l. that made 800l. and two Years Arrears of Rent was 62l. altogether made 862l. so if B. would pay him 600l. A. would be content to let him keep all; but B. was unwilling to give above 400l. then came to 450l. then 500l. and at last coming to 510l. A. agreed with B. who having paid 5l. on account of the Bargain, A. wrote a Receipt as followeth: Viz. Received this 20th of Novemb. 95. of Brother B. the Summ of 5l. in part of 510l. I have this Day agreed with him for the Houses and Lands at Bristow, that by Law I am Heir unto; as also the Legacy of 200l. left me, and all that I am Heir unto; the Wife of the said B. he having promised to pay me the rest of the Money the next Week after the following the Date hereof, and the free liberty of Dyet at his Table during life, provided that he continues in London. Memorandum, That the business of Dyet is not to be mentioned in the Agreement, unless Brother B. shall so please B. A.

Witness W. Gee.

Now when A. had written the Receipt, and therein expressed the Dyet for his life, B. objected and said, He would not have the Dyet expressed in Writing for

the value of the whole Estate, for it would be a disparagement unto him: Then said A. Why do you go back from your Agreement? I do not care, said B. I will not doe it: Then A. looking upon that as a childish and foolish Humour, and thinking that Law and Equity would compell him to do so reasonable a thing as to give him Security for his Dyet, apparently bought of him with 352l. he did, to please him, put in the Words as he desired, Provided that he continues in London, Memorandum, that the business of Dyet is not to be mentioned in the Agreement unless Brother B. shall so please. Then B. went and prepared Writings and Deeds for A. to sign and seal, and all of a sudden would fain had prevailed with him at the Tavern, when he had but read them once over without any Advice of Counsel, to accomplish his ends; but A. told B. that without Advice of Counsel he did not dare to do it; so with much of do A. did get leave to take and advise about them; and then A. was told they were unreasonable and unfit for him to sign; but however A. did get and prepare others, with due Amendments, to sign and seal, but B. rejected them; neither would he sign any Writing for the securing the Dyet of A. during his life: So though both Parties met to make an end, yet they parted without effecting any thing. So then A. went on in Chancery; and after B. had trifled from the beginning of Novemb. to the middle of May, in the stead of an Answer, put in a Plea, and therein recited the one part of the Agreement, and left out the other; (which being upon Oath, seems marvellous:) Then A. got leave to amend his Bill, and therein set forth the whole Agreement; but B. denying it upon his Oath in his Answer, A. wrote him sundry Letters to make an end, according to his Swearing; and particularly the 24th of Decemb. last sent him an open Letter by a friend; who, after he had taken a Copy of it, delivered it to him, requiring his Answer; but he would give none in Writing, but said, His Money was in the Bank, and he was busie for all that Week; and when Mr. Brome came to Town, he would talk and do no body knows what.

Now the great Question is, Whether ever the Receipt was in itself a good Bargain in Law? and if it were, Whether it be not now void both in Law and Equity? and how far in Law and Equity A. stands obliged to B. and B. stands obliged to A. or whether A. must lose his Money and his Dyet without any Consideration, as B. would have it?

The Estate in the Lands and Houses remains in A. notwithstanding the Acquittance, which yet imports an Agreement in Writing for the whole Matter to be made good in Chancery; but A. may, notwithstanding that, bring an Ejectment and recover the Houses

ses and Land, as Heir to his Sister, and thereby put *B.* to be Plaintiff in Equity, and have the Agreement performed, or *A.* may go on in Equity if he thinks fit, and have the Agreement performed; and which soever of them is Plaintiff, in Equity the Court will, before *B.* shall have the Land, compell him to pay the 200*l.* and also the 510*l.* and secure the Dyet, or else will let *A.* keep the Houses and Land, and leave him to Sue *B.* and the Trustees of the 250*l.* per Ann. for the 200*l.* Legacy.

Creswell Levine.
22 Feb. 96.

Upon Consideration of this Agreement made between *A.* and *B.* I am of Opinion, That this is a good Agreement, and will be Binding to *A.* and the Chancery, I conceive, will enforce *A.* to perform it in Specie, and to convey the Tenements to *B.* upon performance of the Contract on his part; and, I conceive, the Letter now shewed me makes no Alteration of the Case.

Fr. Pemberton.

Feb. 26. 96.

HAVING heard the Opinion of Council upon the Matter to us Referr'd, We are of Opinion, That the Agreement between Mr. Albyn and Mr. Mann is in Force, and ought to take Effect: That as to any Charges in Law or Equity, that have by Misapprehension bin Occasion'd between them, each Party to bear his own Charge; And that Mr. Albyn sign and duly execute, according to Law, the Deeds of Conveyance of two Tenements, with their Appurtenances, in Bristol, and Ten Acres of Lands in Somerset; As also a Release for a Legacy of Two hundred pounds, left him by his Sister, upon the payment of Five hundred and five pounds by William Mann Esq; according to the Agreement between the said Parties; the Estate in the said Houses to be clear'd of all Incumbrances by Mr. Albyn, as Council shall advise.

Witness,
John Ward.

Peter Noyes.
John Brome.

London, 24^o Decemb. 1696.

Brother Mann,

ARE you so only by Name, and not by Nature? I dare be confident my Sister took you for one when she married you: If you are a Man, answer me like a Man, and tell me what you would be at: Did I not

write you before you put in your Answer, under the 9th of September? I say, did I not then write you? If you should think fit speedily to give me the said Deeds and Writings belonging to the Houses and Lands at Bristow, and pay all those Monies left and ordered by my Sister to be paid, according to her Marriage-Covenants with you, and all the Arrears of Rent due since her death and decease; and also all my Law-Charges you have forced me to be at, without any farther delay; I do hereby declare, That I am content, for peace and quietness sake, to wipe off all your scandal, and renew all true friendship and hearty kindness, and without any more words, to release you from all other my just Pretences. And on the 21st of November, did I not write you? That having seen your Answer, wherein I find you do deny the great Point I thought you could not avoid confessing: For if you do believe there is a God, you must needs know and believe that he knows, that when I did propose to you the matter of Dyet for my life, as an expedient to accommodate your earnest desire, as you were sitting and leaning on the Table at the Tavern, you put forth your hand to mine, and holding your hand in mine, and mine in yours, you did of your own accord say it should be put into the Writings: so no more was said of the matter at our other Meetings, untill I had written the Receipt for the Five pounds on account of the whole Agreement; and then you objected. Then, said I, why do you go back from your first Agreement? And though I can disprove a great part of your Answer by sundry substantial Witness; yet, contrary to all Advice, I do choose rather to referr all Matters to the Almighty's disposal, than to give any farther trouble: So if your Money be ready, I am ready to bring your Deeds to execute them, as you have sworn I promised to do; for I do think that an Oath ought to decide and end all controversie betwixt Man and Man, although the Lawyers would encourage me to do otherwise; but that God that gave me my Being, can repair my Losses, and Right my Wrongs, and requite mine Injuries; to Him I referr all. And in the Postscript I desired you not to delay; but you have not thought fit to give me one syllable of an Answer, which, I must tell you, is a breach of Common civility, and CUSTARD cannot excuse it. Last night indeed I was informed that you were for a new Bargain; but it cannot be, because my maxim in the World is, not to deal with a Man twice, that hath deceived me by denying his Word once: So if you shall please, without any more of doe, or longer delay, to make an end of the Bargain, as you have sworn it to be, I am ready; or if you have not the Moneys ready, I'll stay for it till Munday next; if not, I would gladly be gone out of Town this day, before to morrow.

row. Please to send me your Answer by the Bearer; if not, pray let him bring these back again to me, who am,

Your True, Plain-dealing Brother,
Benjamin Albyn.

Mr. Brome tells me that you have offered for the Payment of 450l. for the Houses, Stable and Land I am Heir unto, within 12 Month's time after we have concluded the former Bargain, as you have sworn it to be; That you will make them all good to me, with the Arrears of Rent that are and shall be then due: Your Proposition I do accept of, and do expect your Performance, that so I may see whether there be any stability in you.
Idem B. A.

Another mischief, caused by the scandal and infamy cast upon my Reputation, I do think is not amiss here to mention, because it is fallen upon others as well as my self: which is as followeth. His Majesty having in the Year 1690, thought fit to send mine Uncle *Sclater* to reside as Governour of *New-York*, it pleased God in less than four Months after his Arrival there, to take him off by sudden Death; and though the Government there received him with great satisfaction, and had made him the usual Presents, yet he did not get near the Expence of his Equipments out; and after his Death the Government endeavoured to take the most part of it again from his Widow, as she mine Aunt wrote me; and desired me to apply my self in her behalf to the King and Council: which being to be done by Counsel, who are not to be employed without Money, and I being greatly in disburse for mine Uncle before he went; on the account of which he gave me a Statute-Staple for Two thousand pounds (without defeazance) upon his Lands, only desiring me not to execute it unless he died; for he designed to pay me that and more Moneys by Effects from *New-York*, if it had pleased God he should have lived but one year longer; and though it be so many years since, yet I have not offered to put it in execution; partly by reason of mine Aunt's Joynture upon the Land, and partly by reason of the excessive Charges of the Law, which hitherto I have always found amount unto more than the Summ sued for. So not having yet gotten one penny of the said Moneys, so long since due, I did not think it in any wise a reasonable thing to disburse more: And knowing that her Brother had some Hundreds of pounds due to her, lying in his hands, I went to him, and shewing her Letter and Papers sent unto me, I did fully acquaint him with the Case; and after I had for many days importuned him in her behalf, he told me he would

not concern himself; and therefore desired me never to speak to him one word more about it: Thereupon I wrote to her, and acquainted her with what had pass'd, and gave her the necessary and best Advice I could find: But she not sending a Letter of Attorney, did only write a Letter to her Brother to supply me with whatsoever Moneys her Occasions should require; which coming in her Pacquet to me sealed up, I delay'd not to deliver it to him as soon as I could find him; which I do believe was within less than two hours after I received it. As soon as I had given it into his hand, he opened and read it; and then I shewed him my Letter she had wrote me, (though he did not think fit to shew me hers wrote to him;) then I asked him for Moneys, and urged what he had plainly seen she had wrote to me; but he answered me, That he was just going into the Country, (as I believe he was, because his Chariot was waiting at his door for him,) and he would be in Town again within a fortnight; and if I would please to lay out a Guiney or two, he would repay me: At which I was so nettled, that I could not but tell him what he said was all stuff, for there were then some Ships that were just upon departure, and in few days would be gone for *New-York*, and the loss of a day was more than a month at another time; and desired him to make the Case his own, and 'twould be well if 100 Guineys would doe: But however, if he would pay me but 100 Pounds, I would doe the best I could for her; and in case 50 would doe the business, I would invest or lay out the other 50, so as to put 100l. into her Pocket there; but all signified nothing; for he immediately went his way into the Country, and came no more to Town till *January* following; the *August* he went away into the Country with her Letter I then deliver'd to him. So hearing nothing of him, I did write him sundry Letters, but had not one word of Answer from him; so at *Christmas* I went down, and stayed at his House about fifteen days, hoping he would consider and doe something for Shame, if not for Justice or Good-nature: So when ten of the fifteen days were past, I gave him a Memorial, desiring him to consider of it, finding him altogether unwilling to talk in any measure about her; and though I thought 'twould had forc'd him to speak or doe something, yet could not have so much as one word from him in the other five days, though in that time I did offer many occasions, untill I was in his Coach coming for *London*; and putting the matter home unto him, he did then tell me that the Letter was neither with her Name nor her own Hand-writing: So asking him why he did not shew it me, or say so sooner, I went my way; and since that being very angry

angry with me, hath reported very false things of me: but however, the Searcher of hearts knows all things. And I do believe his Hope is, That the Government of *New York* will break her heart; and then she being his Sister, and Childless, he knows he is her Heir at Law. So it seems not only natural Affection, but all honour and honesty is gone and banish'd from among some sorts of people, that forget to be either charitable or just, but indulge themselves in Covetousness, because they know that all Complaints at Law, and their Issues, are not only doubtfull, but also chargeable and troublesome above measure. For according to mine own little experience and observation among the Lawyers, I find that now the Attorneys are grown so very exceeding expert in turning, twisting, and managing the Law, that 'tis an approved Opinion among the Lawyers, that the best way to make a good and able Lawyer, is to breed a young Man, by binding him Apprentice to an Attorney first, for 'tis not studying the Law and the Statutes so much as the Tricks and Practice of Courts, according to the Rules of the Courts of Justice, that makes a good Lawyer. Now what those Rules and Practices of Courts are, is the great Mystery, and would be worth the while for a Parliament to consider: For if they do any thing, and you ask by what Law 'tis done, they'll tell you they know not by what Law 'tis done, but 'tis the Practice of the Court. So I perceive 'tis no matter for Law, because Book-Cases and Reports are among them much more studied than the Statutes. Now why should not a Judge declare in all Cases, upon what Statute he delivers his Opinion, and passes his Judgment, as well as a Divine must prove by a Text in the Holy Scripture the Ground of his Doctrine when he Preaches? But what I chiefly observe, is,

First, In their Pleadings they'll not be wanting, not only to ridicule and banter, but also to assert falsties, calumnies and reproaches; which doubtless ought not to be allowed before a Judge, where the Truth only ought to appear.

2dly, When they have a design to favour a Cause on the one side, and to baffle it on the other, they'll tell you, This is not to the point, nor That is not to the point; although the Case, in all its circumstances, cannot be rightly understood without, and the omission of those Points, which they'll call *needless*, quite alters the Cause; and Truth being hid, Justice cannot be done.

3dly, I find that matters of Accounts are meer Paradoxes to them; yet they'll pretend to understand them beyond any body, and perswade a Man he is mistaken; and if he doth not come over to what by their mistaken apprehension they do think, they'll

tell him he'll lose his Cause, and by that means confound his Cause. As for example: If you talk with a Lawyer of so much *per Cent.* be it 2, 10, 20, or 50 *per Cent.* which are but certain Quantities upon an Hundred of Goods or Moneys of a Forreign Coin; as Dollars, &c. yet if you do not allow him to put the word *Pounds* to the 2, 10, 20, or 50 *per Cent.* he can by no means understand what you mean; though at the same time he puts the word *Pounds*, 'tis meer nonsense, and abominably impertinent: But however, you must let him alone. And with this sort of Understanding he takes upon him to Plead a Cause betwixt Merchant and Merchant; whereas if Merchants were left to themselves, and had a Power to be Judges in their own Matters among themselves, there would be more Justice, and less Wrong done by the impertinency of the devouring, insatiable Lawyers.

4thly, Let a man's Cause be right or wrong, they'll not be wanting, for the benefit of a Fee, to tell him he is in the right, and he must carry it without all doubt, and the Cause cannot go against him. And if a cunning Knave, in private Contract, by fair Promises, have over-reach'd, and by his non-performance cheats you, and there being no Witnesses, you prefer a Bill in Equity against him, to discover and make him confess the Truth, Why then you shall have no Remedy: For his Counsel shall direct him to Plead and Demurr to what he cannot answer, without Confession. And I have heard a Lord-Keeper on the Bench (in a Cause I had before him in *K. Charles the Second's* time) declare, Mine Adversary that cheated me, ought not to be compell'd to answer my Bill, because 'twas customary for Shopkeepers in *Cheapside* to tell Lyes; and (if you go from one End to the other to buy a pair of Stockings) they would tell you they lost, though they got never so much by them: So, it seems, Wickedness is defended by Wickedness, and there is no Remedy.

5thly, Their great Master-piece, and what the most ingenious, as they account themselves, doe profess, is to cut a man's Throat with a Feather.

6thly, The great care of a Counsel and an Attorney is to manage a Cause with that method, as may draw the most Money from their Client, and that they call doing for the good of the Law.

7thly, They are very forward to multiply Motions, and for every Motion the Attorney or Solicitor must be paid for new Briefs, though the old ones doe serve; and every Counsel you have had to doe with must be Fee'd for the Motion, and must have his Brief of the whole Cause, though perhaps two or three Lines for one Counsel be enough, and there is no occasion for the rest to speak one word.

8thly, They must all be Fee'd also, and have new Briefs for the Defence against every Motion made by the Adversary, upon due notice given to the Client.

9thly, The Attorney commonly directs the Client what he must give to Counsel, and commonly once in three Months he gives his Client a Bill, amounting to as much Money as has bin given in that time to Counsel; and if the Client offer to abate him Three-half-pence of his Bill, he'll take it a-miss and in great duden, although the Client perhaps hath spent upon him and the Counsel many a Pound at the Tavern.

10thly, If your Counsel have undertaken (by the force of Money from your Adversary) to betray you, and favour his Cause, he shall, under pretence of zeal for your Cause, bawl most filthily, and calling your own Witnesses to give their Testimony, he'll either bawl and make such a noise as to affright them, or else confound them with cramp Questions: And when all is done, you must believe he hath laboured most vehemently, and taken an abundance of pains for you.

11thly, The Solicitor or Counsel can neither of them tell you how long 'twill be before the Cause be ended, or how many Years 'tis like to continue, especially in Chancery, for I did never yet hear of a Cause begun and ended there in so little as one Year's time; and most Causes are held out according to the length of the Clients Purses.

12thly, For the benefit of a Fee, there is hardly any Case but they'll pretend, if you desire to be secured legally by a Writing under a Counsel's hand as Law, they'll not disappoint or displease you by telling you according to Law it cannot be, though to be safe according to Law only, it is you do come to desire Advice and a legal Instrument to be drawn, whether it be a Defeazance or Conveyance, &c. yet right or wrong he'll pretend to draw it out legal, and firm, and safe; and afterwards, if it prove insignificant or scandalous in the Law, he, to excuse himself, shall call the Client Rogue and Knave, &c. for asking of him his said Advice; and taking the Writing of him; which he parted not with, unless he had received the Payment of perhaps more than his full Fees twice told at least.

Suppose a Man be wronged and cheated of ever so much; as suppose it be to the value of a Million, which to me seems a very considerable Summ, and he himself could make it appear undeniably by good and sufficient proof, if had the liberty to speak himself, (for 'tis impossible any Man can know the truth of his Case better than himself;) yet if he have not Ten shillings to give a Lawyer to speak for him, he must lose all, and be without remedy; and if he cannot borrow, beg or steal so much, he must go to Prison, and there rot and be quite

undone; for the Lawyers never trust a Client. So 'tis plain, that without Money no Justice must be had; and whether it be according to the Law of the Land, I know not; but I dare be so confident as to say, 'tis not according to the Law of God, who hath given every Man a Tongue to speak for himself.

Also I have found a sort of a Lawyer of 20 or 30 Years study and reading the Law, that is neither Counsel nor Attorney, but pretending to great Knowledge in the Law, and great Commiseration and Pity towards me, to see me so much harrassed and abused, would also pretend friendly and faithfully to advise and help me, and accordingly did advise me by no means to be served with a Decretal Order; and meeting with one of mine Adversary's Counsel, threatening to take out a Statute of Bankrupt against me if I would not be served with the Decretal Order, he bids him kiss — at which he pretending to be enraged, effectually does the thing. And afterwards finding that by Law I was Heir to what Brother Mann hath and doth keep from me, bids me not trouble myself, he would undertake to get for me my Right, without my disbursing one penny of Money till 'twas fully recover'd: For which kind proffer, as I did accept of, so I gave him my many and most hearty Thanks; and accordingly he undertakes it, and in the stead of taking the right and short way, by serving the Tenants with Ejectments, as I desired, and he promised me to doe, he, it seems, thought fit to imploy the great Mr. E. of Bristow, as he called him; who being the richest Attorney in Bristow, must needs be both the most extremely honest and able; so upon his discoursing with him, they did resolve and contrive betwixt them how to make a beneficial Suit of it. So concluding together to File a Bill in Chancery to get the Writings, they accordingly preffer a Bill; and after a few days were past, my learned Lawyer comes and tells me what was done, and how that without the Writings 'twas impossible to serve Ejectments; so I acquiesc'd with whatsoever his great Friendship and Learning did suggest; - and about three Months after tells me, that the great Mr. E. had done the business, and I need not trouble myself, he would take care, though they had neither gotten an Answer to the Bill, nor the Writings for the Estate: So waiting some months longer, and no Answer appearing, I went to the Clerk in Chancery that they had imployed to know the reason of the delay, and told him I would be baffled no longer; so with much ado Brother Mann did put in a Plea, setting forth that part of my Bargain as was for his turn, but left the other part out; which being upon Oath, seems to me, a very strange liberty for him to take: But Lawyers,

for Money, can enable Clients to doe their pleasure: Thereupon I did get leave to amend the Bill, and with much adoe did get his Answer, denying the matter of fact. So thinking that an Oath ought to decide all Controversie betwixt Man and Man, I, to avoid farther trouble and charge, offered to make an end with him according as he had sworn, but he refused. Now my learned and friendly Lawyer being somewhat disgruntled at these my Proceedings, appoints the great Attorney E. to send his Bill of Charges to be paid by me, which amounted in Money to 4*l.* 10*s.* 6*d.* So after I had received it, I went to him, and asked him what he had done? Why truly he had not served Ejectments, and untill his Bill was paid he would doe nothing; so I told him, If he would serve Ejectments, and get me into Possession, I would pay his Bill, but I was very unwilling to pay Money for nothing; and as I had never seen him before, and had never imployed him, so I had nothing to doe with him; and doubtless he that had imployed him, must pay him; and there was no reason for me to pay Money twice for one thing; for I was accountable to my friend, who knew best how to reckon with him. So he told me, if I would not pay him, he would make me pay him: (*Behold an Attorney!*) that contrary to all Right, Reason, and Sense, can by his management of Law make a Man pay his demands that never imployed him, although he had not effected any thing for him. In March last I went down to *Bristow* my self to get Ejectments served, so went to the great E. his House to desire him to doe it, and then I would pay his Bill; but being very stately and full of business, as he pretended, delayed me for about a week, and did nothing, and told me he would doe nothing, unless I would give under mine Hand and Seal to pay him what Moneys he pleased; and afterwards sent me his Bill by one of his Men, amounting to 4*l.* 10*s.* 6*d.* as follows: *Viz.*

<i>Mich. 1695.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Albyn adv. Mann.	2 Subpoena's serving & partage	0	11	0
	Affidavit Jur' & partage of serving	0	04	6
	Mr Daleman	0	04	6
	Ingr Bill & Duty	0	11	0
	File & Rule	0	04	0
	Soll.	0	06	8
<i>Hill. 1695.</i>				
	Six Clerks Fee	0	03	4
	Affidav. of serving Mann	2 <i>s.</i> 6 <i>d.</i>		
	File & Cop' both Affidavits	7 <i>s.</i>	0	09
	Att' adv. Mann	0	03	10
	Cop' Resp' Dollman	11	0	08
	Rule adv. Mann to Answer & Duty	0	01	2
	Soll.	0	06	8
<i>Easter-Term --99.</i>				
	Six Clerks Fee	0	03	4
	Cop' Plaint' & Resp' fo. 14	0	10	6
	Soll.	0	06	8
		4	10	6

J. F. for Mr. T. E.

And then I enquired for another Attorney; so being directed to one Mr. Richard Knight a Quaker, much commended for his Honesty; I went to him, and asked if he would serve Ejectments? he told me yes: Then taking the Names of the Persons and Places, he ordered his Clerk immediately to draw out Copies to be served in and about the City of *Bristow*; but what was in the Country some Miles off, he desired time for, as he found most convenient. So leaving him, I went my way; but bethinking my self, and not knowing what the Charge might be, I went back immediately to ask how much 'twould amount unto? but when I came back, Mr. Knight was gone out; but meeting with his Clerk, who told me he had served his Master about four years, and in that time had served many hundred Ejectments: I asked him how much the Charge would be? because I told him if 'twere much, it must be paid in *London*, for I had brought but little Money more than to bear my Charges out and home; so he told me the Charges would not be much, Ten shillings would be the uttermost penny: Then said I, *If that be all, I shall pay you that.* So at night he brought me Copy of the Ejectments, with his Affidavit of Service annexed and affixed to it: so, without making words, I paid him Ten shillings for his Master, and gave him a shilling more for himself. As soon as he had received his Money, he shews me a Note, which he said his Master had drawn out, amounting to 19*s.* 2*d.* Then said I, *How comes this! did not you tell me Ten shillings would be the utmost penny for all Charges?* Yes, said he, *but I was mistaken, my Master hath made another Account, and I must have the rest of the Money.* Then said I, *Let me speak with your Master; where is he, and Ile go to him, and know the reason why your Agreement with me should not stand good? and if there be any mistake, I do not desire to take any advantage of it:* But he told me his Master was gone out of Town, and he knew not when he would come again, and he was accountable to his Master for so much Money: Then I said, *I shall part with no more Money till I speak with your Master; I have paid you to the full of mine Agreement, and have given you a Shilling over; I have nothing more to doe with you, my business is with your Master; and untill I speak with him, I do not know but the Note may be a trick of yours: but however I will stay, although it be these five days, to speak with your Master.* So he went his way, and next morning came to me again, and told me, *If I would not pay the rest of the Bill, he would enter an Action against me:* I told him, *I should pay no more Money till I had seen his Master.* So as he said, he went and entered an Action against me for 39*s.* though his demand was but for 8*s.* and bringing an Officer with him, takes me out of my Lodging at *Gilders-Inn*, where I lay; and I being but a meer Stranger in *Bristow*, made my Case known to an ancient Citizen

and Shop-keeper in *Broadstreet*; who never having heard of the like trick, immediately offer'd himself to be my Bail, and went with me to the *Tolsey*, and meeting one of his acquaintance, desired him to joyn with him, because the Law requires two for Bail; but when came to the *Tolsey*, the Officers there refused to take Bail: So then the Officer carried me to another place, where I was told, If I would not pay down all the Money, and the Charges of the Action, and the Officers Fees, I must be put in Prison without any farther delay; and though I did desire to be carried before the Mayor, they denied me, saying, *He had nothing to doe with it*. So I paid down the uttermost penny they thought fit to demand, and took the Clerk's Receipt: A True Copy of which, is as followeth:

For Drawing the Ejectments and Advice 3 s. 4 d.
For Writing four Copies 10 s. For Service 3 s. 4 d.
For Drawing the Affidavit, King's Stamp and Swearing 2 s. 6 d. For Action 1 s. For Arrest 2 s. 6 d.
make 22 s. 8 d. 24th of March 1696. Received the Contents of the above for the Use of my Master Richard Knight, per me Jos. Tapley.

Then being let go, I walked to the *Tolsey*, where I was informed the Young man's Master, *Richard Knight*, had bin seen just before; so went to his House, where finding him in his Office, I told him what Usage I had received from his Young-man; but all that I could have from him was, That truly he was very sorry for the Action, and it was done without his Knowledge; and if I would, he would beat his Clerk for it if that would doe me any good, and he could doe no more, for he said his Clerk had no Money, and was not worth one farthing. *Afterwards I went to Mr. Mayor of Bristow, and acquainted him with what had pass'd; but he told me 'twas not in his Power to help me; and if he should go about to endeavour it, he feared he should but only expose both himself and me, and did therefore think it best to let it alone; and with all did tell me, with great lamentation, of the great abuses and ill practices of the Attorneys in and about that City: But in Matters that came before him he would not suffer any of them to speak so much as one word, though they were generally so very forward, that he had much to doe, and 'twas with a great deal of trouble he made them to forbear: For, said he, I have al ways found that they make a good Cause bad, and it is my business to doe Right and Justice to every Man that comes before me. Now if an High-way Man had taken so much from me, I think 'twould had bin much more tollerable and fair, because I might then have had the liberty of fighting and defending my self: But it seems the Attorneys (that have an especial Protection in the Law from being called Knaves) can make the Law to serve them to all intents and purposes, whether it be down-right Robbery or Cheating by extravagant Bills, charging 10 or 20*

*times more than what is lawfully and justly due; or by Arresting Men for Debt before ever it be demanded of them; and taking out Execution first on the Principal; and when satisfied there, then on his Bail, and in two or three Years time can run up a Debt from 45 l. 4 s. 6 d. and make it amount to 200 l. Doubtless these Men are choice, and ought to be nourished and cherished as Procurers of the Nation's happiness, for they are in themselves most absolute, having the Law at their command, each Man is Judge, Jury, and Executioner, and all within his own Will and Pleasure. I thank God I have travell'd some part of the World, and in it a good part of *Turky* and *Christendom*, but I never met with or heard of the like usage and practices used here in *England*. I do not remember to have seen or heard that the Locust or Caterpillars, or any sort of Vermin, have so very much increas'd in the time, as that sort of Men called Attorneys have increas'd, within these few years about *Bristow*. I remember an ancient Inhabitant of that place told me in *March* last, that of his certain knowledge, about 30 years since, there were belonging to *Bristow* no more than six Attorneys, and the one half of them died in Goal for want of Business, and the others could hardly live by their Employment; and now there are not less than Six-score; nay, he believed they were more numerous than the Porters about that City, and every one of them lives like a Gentleman of a great or plentiful Estate: And now one of them, that was but a poor Clerk about 26 years since, keeps in his Stable 10 or 12 Horses constantly; and when he comes up to *London*, he commonly hath 6 or 8 Horsemen to attend him. Now how comes this great Mystery to pass, if it be true as have bin told, that an Attorney cannot honestly get by his Practice above 40 pounds *per Ann*. I think it may well be supposed, and there is no great doubt but they have the Art of sinking, devouring, and swallowing Estates, as is too too apparent by multitudes of ruined Families. Now if a Man of any other profession charges in his Account more than what is due, he is accounted and called Knave; and if a Coach-man, Carr-man or Water-man, demand more than his Fare, for which there are set Rates, the Magistrate can and will punish him or them for such Extortion, and make them be content with their just Dues. Or if an High-way Man or Pick-pocket shall take from a Man the value of Five shillings, or less, he must by the Laws of the Land be hanged for Theft. But Lawyers and Attorneys do not only bereave Men of their Estates and Reputations, whilst they live, but even their Posterities must grieve and groan under their most monstrous evil Practices: And although our Laws are undoubtedly the very best and whollomest of any, yet these Men by their evil practices doe render them the most grievous and the most burthensome in the whole World; and I doe*

doe believe the whole World doth not afford the like Hell upon Earth for Men to be devoured by Fraud and Deceit, under the colour and pretence of Law and Justice. I have bin told, that at *Doctors-Commons* there is now depending a Suit for the Value of Eighteen pence, no more, which cannot be yet ended, although the Parties concern'd have spent at least Three hundred pounds on either side. I cannot conceive how 'tis possible for a Poor Man, or a Man of a mean Estate, to get his Right by Law of a Man that is vastly Rich, who with his Money strikes a Cause through and through, *i. e.* on both sides: For though the Man of mean Estate may make shift to provide and give the due Fees according to Law; yet if the Rich Man shall not only Fee his own Counsel much higher, and by cunning ways doe the like to the mean Man's Counsel, (which is no new practice,) must not the mean Man needs lose his Cause and his Right in it without remedy? For I have heard of a Story of one that very lately was the ancientest and ablest Lawyer and Counsel in *England*, that in his time receiv'd a Present of Pippins with some Broad Pieces of Gold stuck in, into every Pippin one; but how many Hundred of them there was, I have forgotten: But however, the adverse Party receiving intelligence thereof, resolved to out-doe him; and accordingly sent him a Present of a Pig, stufft in the Belly with Guineys of a greater Value; so he took care to manage the Cause accordingly; and afterwards, without making any manner of restitution, or satisfaction, or shame, made a jest of it; and laughing at his own Client, said, *The Pig had eaten up the Pippins*. Now if every Man had the liberty to speak for himself, in his own Cause, the Truth would more naturally be found out by an understanding Judge, and such corrupt Doings would be unpracticable; I doe believe 'twould be very good husbandry, and a good way for administring Justice impartially. If the Nation would give the King a Million, or two Millions every year for Justice to be administred without Fees, and none but the Sons of the Nobility and Gentry of good Estates should be permitted to practice the Law, (though I doe not say but all Men ought to study to know the Law;) and when made Judges, to have such liberal Salleries, as to be above Bribery; and if found to be tardy, to have such severe and ignominious Punishment, as may make them so abominable to Mankind, as to account it a favour to die, rather than to live. At present, any poor Man, that can but scrape together as much as will bind his Son Apprentice to an Attorney, is very ambitious to effect it: So his Son, being placed with an Attorney, knowing his low Extraction, becomes very diligent and expert, and most sharp in the ways of his Master; and

getting a Reputation, becomes (when his Time is out) ambitious above measure, and cares not what he doth, so he can be but Great. As for Example: Many passages were very observable in one lately in joynt Commission for the Custody of the Great Seal, who came up to *London* a poor Boy in a Leather Doublet and Breeches, who thought himself highly preferred when he could earn Eight pence in a Day by writing Hackney at a Penny per Sheet; though there were other two in Commission, yet he would talk ten times more than both the other two that had bin better born and bread. As for mine own part, I have so much and so long suffered by their evil practices, and thereby am made so very sensible of the intollerable pain and trouble thereof, that if it shall so please the King and Parliament, I doe hereby offer my self solemnly to covenant with them, That in case the Nation may be redressed and fully freed from their usurped Power, most impudent and diabolical Practices, I say I will freely lay down my Neck for mine Head to be sever'd from my Shoulders, if nothing else will enduce them to retrieve this Land. However, I think it not amiss to put them in mind, that though the Lawyers may by their Arrogance and Innuendo's call themselves *the Government*, and consequently I ought to die for making such complaints of them, for they are not to be silenced, as I doe remember Mr. *Brunskell* told me, that one of them being a Judge, sitting in Council, told King *Charles the Second*, when by undeniable argument he had put them to a nonplus before him. *May it please your Majesty*, said he, *We are your Majesty's Judges of the Law, and therefore desire not to be put to give an Answer to him, being but a private Man*: Which is a fine way of arguing; and I doe believe, there is but as little Mercy in a Lawyer as in an Executioner, if not less; because for the sake of a Fee he thinks himself obliged to doe all the wrong he can to his Client's Adversary, and I doubt not but the Lawyers by their Innuendo's will be as violent against me, as the *Ephesians* were against those that spake against their *Diana*: But let them remember and know, that their Rage can run no farther than God in his wise Providence will permit, whose Justice will undoubtedly over-take them, and their Atheism cannot save them. As yet they keep the People in such Awe from complaining against them, that they tell them 'twill be Dooms-day in the Afternoon to complain of a Lawyer. Now though I am not a Great Man, and hope never shall be (my Prayers being for neither Poverty nor Riches, but only for Food convenient for me,) yet mine heart wishes GREATLY for my Country's welfare both in this World and that which is to come, when this must have an end. I doe

doe believe 'twould be no mis-spent time for the Nobility and Gentry of the Land, to whom the Government is by the King intrusted, to consider how that every one of them in particular is but a Man, and but a Man that is mortal, and how that after every Man's particular Death comes his particular Judgment; and that how great soever his Place, Profession or Possession be in this World, when the breath is out of his body, all these things cannot signifie this—to him, and nothing but his just Actions can avail him any thing, and that even the pomps and vanities so much desir'd and sought after in this World, are but troublesome, and doe perish and pass away with the little time they seem only to enjoy them; and the time of the longest liver will not amount to one minute of Eternity, whither all must go and are going, without any stopping, not so much as the part of one minute. As for mine own part, I covet nothing more than with an accompaniment of food and raiment, honestly to pass in peace and quietness off this stage, though such is my misery, the more I seek, the less I find them; and therefore I must seek one thing more, and that is P A T I E N C E, which I pray God to grant me, and then nothing can hurt me; for indeed 'tis the want of that, together with the unruly passions of my frail, corrupt human Nature that make my Grievances (though unparallell'd) to be Grievances intollerable to me: And therefore as God hath commanded us to preserve every man his own life, and the life of his Neighbour; I have made this mine Appeal, that so by longer continuance in silence, I may not be a Murderer. And now God's Will be done; I pray God direct both King and Parliament to redress this Land from Bribery, Injustice and Extortion, so excessively practiced and administered by the means of the Lawyers and Attorneys, who are grown so very supernumerous in the House of Commons, that the doors are kept shut against all Appeals that complain of their evil practices, the grand Cause almost of all our Grievances whatsoever: For if by Law a Man may not be righted, what must he do? And if by Law he were righted, or could be righted, what occasion could there be of complaint? I do think, and humbly suppose it may be very well worth the while for the King and Parliament to take into their Consideration that Attorney's Oath (though I never have seen it I must confess) which Mr. P. Brunskell told me of, and every Attorney is obliged to take before he can practice; and is, it seems, of that force, if observed, that it ties them up from all those outrageous practices now in use among them; and if every one of them were Fined for Breach thereof, at a certain rate for every year's practice, every

one according to his time, I doe believe 'twould raise the King a brave Revenue, perhaps some millions of Money for the time past; and for the future to inflict such punishment as the Law directs in the Case of Perjury, would be a matter of no bad consequence: For I doe remember Mr. P. Brunskell told me, that he served an Apprentiship with one Mr. Coates an Attorney, and in that time taking notice of the Attorney's Oath, did resolve, if possible, to avoid taking it; and when out of his time, went into the Country and practiced there in his Master's Name, for some years, without taking the Oath; where, falling into much practice, was envied by other Attorneys that complained of him for so doing; and being sent for up to London by the Lord Chief Justice Hales, he did urge and require him to take it sundry times, but he begged to be excused, saying, *If he took it, he would keep it.* But at length the Judge being unwilling to excuse him any longer, made him take it, and then at night he went to the Judge and shewed him the contents of the Oath and wherein it was generally broken; which when the Judge did see, and was made sensible of, he became so much troubled in his conscience, that he appointed him to come to him early next morning; so he went, and the Judges Coach being ready when he came, he took him along with him in his Coach to White-hall, where King Charles the Second was; and being there before his Levy, waited for his rising; when, while he was waiting, the King being told that Judge Hales was waiting without, the King came out to him; and as soon as he did see the King, he fell down upon his Knees, and begg'd his Majesty's Pardon for the many great Offences he had bin guilty of; but the King wondring at him, told him, he knew no offence, and asked him what he meant; then telling him, there was his Accuser, pointed unto Mr. Brunskell, then hardly 22 years old, gave his Majesty fully to understand the matter; and thereupon the King wondring at the forwardness of the Young man, asked him many Questions, and appointed him to make such discovery and prosecutions of the corrupt practices used in the Law, as might tend to the regulation and reformation thereof in Westminster-hall, and all other his Majesty's Courts of Justice whatsoever; and his Majesty having then promised to stand by him, he did industriously use his Endeavours accordingly, and, as he hath told me, spent near 10000 l. if not 20000 l. in the attempt and proceedings therein, and is now indebted many thousands pounds more than he is able to pay, even to the utter ruine of himself and Family. And though whilst the King, according to his promise, stood by him, he made a great progress therein; yet when

when the King did leave him, and a contribution of 100000 Guineys was raised amongst the Lawyers, and applied skilfully by them that understood Bribery, and the right way of managing thereof, did put a full stop to his proceedings; and being thereby utterly ruined, dares scarcely stir abroad for fear of being Arrested now; and how in King *Charles* the Second's time all the twelve Judges did sit together three times to consider how to take away his Life by Law; and finding they could not doe it by Law, some body was imployed to assassinate him, is formerly related, so need not here to be repeated again. Many other things he told me, which would be too long and tedious to be here incerted; but believing them to be true, I could not but look upon him as a right honest Man, of great integrity, and I could not but have a great kindness and respect for him; insomuch that being Arrested, and put into the *Gate-house* at *Westminster* for a Debt of 45 *l.* 4 *s.* 6 *d.* and there being like to rot, and never to get thence, as he told me when I came to him; for he sent earnestly for me to come unto him; and then telling me what great Promises he had from the Court, and how for the want of his Liberty he should lose his Preferment to a Place of 4 or 500 *l.* per Annum; and if he were out, he should be able soon to pay a much greater Summ than he was imprisoned for. I did, in compassion to him, become his joynt Bonds-man to his Creditor for his principal Debt and Charges amounting unto, as the Summ was then made up in the Prison, I think 80 *l.* on condition he would give him a year's time to pay it in; for believing what he said, I did not doubt but he would pay it without suffering me to be troubled therewith, as he promised; but when the time expired, he was as unable to pay as at the first; but still in expectation of the performance of some great Promise at Court. So he having desired and required of me to pay the Bond, I did desire him the said *Mr. Brunsell* to give me a Bond and Judgment, entred up for the same, promising unto him that I would never trouble or ask him for it, unless he should be able to pay: and so to give it under mine hand; and I desired the thing only, because, as I told him, I would not be troubled with a Law-Suit for its recovery, but he refused. So, whereas I had provided the Money to satisfy the debt, I thought it not reasonable to part with it for a Man that refused to give me that reasonable satisfaction that lay in his power; and to me seemed a plain demonstration, that his intent was never to pay me: And he being an Attorney, well acquainted with the many tricks and wiles of the Law-practice, I knew 'twas a vain thing for me to think of recovering it from him by Law, if ever he should be able; and therefore I did resolve

not to lay down the Money: Whereupon *Mr. Dawes* his Adversary's Attorney sent an Officer, and Arrested me upon the Bond, before ever he, or any for him, demanded the Money of me, and forcing me to put in Bail, sued the Bond to an Execution: Thereupon I went to him, and told him I did surrender and offer my Person as his Prisoner, to be committed when he pleased to the *Fleet*, or any other Prison; or if he would accept of them, I had brought with me, and would deliver to him, four Bonds for several Sums of Moneys due to me many years before, whose Principal and Interest amounted unto much more than the Debt and Charges, which he took and examined by reading them over, and I promising him 20 per Cent. for the recovery thereof, when he should have fully paid his Client, and brought me the overplus. He accepted the same, and gave me a Receipt for them. A true Copy of which Receipt, is as follows:

10th of June 1696.

Received then of *Mr. Benjamin Albyn* the four Bonds under-named, viz. One Bond, wherein *Mr. Peele* and *Mr. Dixon* stand bound to him the said *Mr. Albyn* in 50 *l.* for the payment of 25 *l.* One other Bond, wherein the same Parties stand bound to him in the same Summ of 50 *l.* for payment of 25 *l.* One other Bond, wherein *Madam Gloxin* and Others stand bound to him in 80 *l.* for payment of 41 *l.* 4 *s.* And also a Covenant from *Capt. Cuttance*, to pay 20 *l.* Witness my Hand the Day and Year above-named.

Warner Dawes.

So I went my way, thinking to had bin quiet; but, contrary to all Reason and Justice, being an Attorney that can manage the Law to all his intents and purposes, finds out a way, in few days after, to trouble my Bail, and, as I was told by them, takes Execution out against them for the same Debt that I thought I had in some measure satisfied; and since the 10th of June 1696, hath run up the debt, which was then but 85 pounds with charges, now on the 23d of March 1696, unto 160 *l.* and 40 *l.* more for Charges, besides 20 in 30 *l.* more my Bail have spent of my money for their defence; and now the said *Dawes* pretends to lay a Sequestration on some Lands and Houses I have a Right unto, and keeps my Bonds before mentioned from me. Now being, in mine apprehension, thus unjustly dealt with, and used by the Attorneys, I would gladly be informed whether it be reasonable and according to our Law, for Attorneys to monkey-fie, metamorphize and abuse Men after such a rate? and if they shall be encouraged and suffered to go on in these their practices, who shall live free from the plague of their devices? Another experiment I have had

had of Lawyers and Gentlemen of the Long Robe and Quill, is, That having see'd two of them with five Guineys to each for to plead my Cause the next day in the morning; which being then called according to appointment and expectation, and the one of them being then in waiting and expectation of a Cause to be called at the *Exchequer-Bar* when my Cause was called; and although I went and called him my self, yet not being able to come back in time, my Cause was put off to another day; so, according to their unconscionable practice and expectation, I was forc'd to give them both their refreshing Fees; and then upon hearing my Cause, it appearing very fair for me, 'twas again put off for the Accommodation of mine Adversaries, (not being in all points ready) for some days longer, so was forc'd to Fee them again; and by that time my Cause came on again to be heard, mine Adversary did gain such an interest in my Counsel, that the Elder of them labour'd industriously to betray and deliver me up to mine Adversary, had not the Minutes of his first Pleadings bin taken, and then considered; and to the Younger of them I gave at the Evening before two Guineys to make up his Fee fifteen Guineys; he told me I was very slender in my Fees, and, I think, did not speak one word more for me. I confess if I had found, or could at any time find my Moneys in the streets, I might then had afforded to fill his Pocket with Guineys: But in regard it is not so, and what Fees I gave them, were none other, but out of such Moneys that as a Merchant by the sweat of my brows I did difficultly gain with much labour, toil and hazard both of my Person and mine Estate; and the Law hath appointed a Counsels Fee to be but Ten shillings. Is it not great Impudence in a Lawyer to pretend himself not duly paid, when, according to the set Rate in the Law, he is Fee'd not only with Ten shillings, but more than Ten times over so much: Nay, I have heard of one, that being offered sixty Guineys for a Fee, did refuse and say he would not take 90, and under 100 Guineys he would not appear. Is it not a stupendious thing, and a burning shame? And if duly considered, what must the end of these things be, when a Lawyer, that knows the Law, shall, contrary to Law, exact extravagant Fees to falsifie all Causes they are not for, but retained against? How is it possible that Truth and Justice should abound, whilst such vast Numbers are per-

mitted and imployed to confound the Rights of the People. I have bin told, that according to the strict Rules of the Law, less than Five pounds will pay all Expences for a Law Suit; as for Counsel and Attorneys Fees, for Writings and Briefs, with all other Charges whatsoever of a Law Suit, cannot cost above Five pounds; and now 'tis not Five hundred or Five thousand pounds can end some Law-Suits; and doubtless 'tis not Money that before God can make a Cause better or worse, or that which is right to be wrong, or that which is false to be true, or that true which is false; and whilst the People are thus oppressed by the Lawyers covetous and undue practices, how is it possible for Peace and Happiness, Truth and Justice, Religion and Piety to be established amongst us, according to the Prayers of our Church; which must not, and, when it considers, dares not seem to mock God in its Prayers. But that I, with most humble submission, leave to the Consideration of the great Wildom of the King and his great Council the Parliament, whose business 'tis; for doubtless a Reformation is not only a great Duty, but would be a great Blessing to this Nation.

In *Turky*, in any Case, if a Man go to the Muftee, who though is the Head or Chief of their Church, yet he is commonly so learned and well read in the *Turkish Laws*, that when he gives his *Fetfa*; that is, a short Declaration in Writing under his Hand, what is Law in the Case you go to him about; 'tis so true, firm, and sure, that the Caddee, or Judge, cannot go against it when he gives his Judgment on the Case.

And if we had Lawyers that would study the Laws of this Land, so as to be able to doe the like, I doe think they would be highly worthy of great Honour and Esteem, and great Rewards both from the King and People; for then every Man might, upon good ground, plead his own Cause, if he be in the right; or if in the wrong, then might desist, and of himself fairly and honestly adjust and agree with his Adversary. And this I do humbly conceive would be a very good means to prevent and save people from those long, tedious, expensive and vexatious Law-Suits, that waste Estates, and make Envy and Malice so much to abound in this Nation; and, on the contrary, will cause Unity, Peace and Concord to be much more esteemed and practiced amongst us.

F I N I S.